THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 3rd November 1931.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, C.S.I., C.I.E., C.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Muniswami Nayudu, The hon. Diwan Bahadur B.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumanga Thayaramma, Mrs. K.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Birley, Mr. F.
Browning, Mr. W. M.
Conran Smith, C.I.E., I.C.S., Mr. E.
Davis, M.B.E., Mr. J. A.
Devadason, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Foulkes, Mr. R.
Hood, I.C.S., Mr. H. M.
Indraiah, Mr. C.
Jagannatham, Mr. H. M.
James, Mr. F. E.
Jayaram Nayudu, Rao Sahib C.
Koti Reddi, Mr. K.
Krishnan, Mr. C.
Kuppuswami Choudari, Mr. J.
Luker, Mr. F. G.
Madanagopal Nayudu, Mr. R.
Madhusoodhanan Thangal, Mr. P.
Mahmud Schamnad Sahib Bahadur, Khan Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur, T. M.
Moses, Mr. P. C.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Mr. P. C.
Nachiyappa Goundar, Mr. K. A.
Nanjappah Bahadur, Subadar-Major S.A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Narayanaswami Pillai, Rao Bahadur T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Patnaik Mahasayo, Sriman M. G.
Pattagar of Palayakottai, The
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Kallikote, The
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. G.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur, C. S.
Sami Venkatachalam Chetti, Mr.
Satyanarayana Choudari, Mr. C.
Sesha Reddi, Mr. B. P.
Shetty, Mr. A. B.
Simhachalam, Mr. Gade.
Singam Ayyangar, Mr. K.
Siva Raj, Mr. N.
Sivasubrahmanya Ayyar, Mr. K. S.
Soundara Pandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thorne, I.C.S., Mr. J. A.
Tottenham, I.C.S., Mr. G. R. F.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkatachala Reddiyar, Mr. K. C. M.
Venkatarama Ayyar, Mr. K. R.
Venkataramayya, Rao Sahib Badeti.

PRESENT :—*cont.*

Winter, Mr. W. E.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Kirlampudi, The
Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Qualifications of the Lecturer in Kindergarten, Lady Willingdon Training College, Madras.

* 531 *Q.*—Mr. M. B. Rangaswami Reddi: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether Miss B. Amirtammal possesses the qualifications prescribed for the post of Kindergarten Lecturer in Lady Willingdon Training College, Madras;

(*b*) whether she possesses the qualifications prescribed for a post in the Collegiate branch of the Madras Educational Service;

(*c*) whether she is qualified to teach child education to the L.T. class and why the Child Education section was temporarily closed in the College last year;

(*d*) whether there are any other women officers in the department who possess the qualifications prescribed for the post of Kindergarten Lecturer in the Lady Willingdon Training College; and

(*e*) if the answer to clause (*d*) is in the affirmative, why Miss B. Amirtammal was appointed to the post?

A.—(*a*) No.

(*b*) No.

(*c*) The answer to the first portion is in the negative; the Child Education Section was closed last year for want of qualified lecturers to teach the subject.

(*d*) None except Miss M. W. Barrie and Miss C. Gordon, the permanent holders of the two posts of lecturer in kindergarten.

(*e*) Does not arise.

Applications from Adi-Dravida girls for admission into the hostels attached to the Lady Willingdon Training College, Madras.

* 532 *Q.*—Rao Sahib V. I. Muniswami Pillai: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the number of applications received from the city and mufassal Adi-Dravida girls for admission into hostels maintained under the management of the Lady Willingdon Training College during the years 1929, 1930 and 1931 and how many were admitted each year;

(*b*) what are the rules relating to admission of girls to the several hostels attached to the above College; and

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(c) whether there is any advisory committee of men or women or both to assist the Principal for the selection of girls?

A.—(a)

	1929.	1930.	1931.
Ice-House Hostel—			
Number applied	..	..	..
Number admitted	..	..	..
Non-Brahman Hindu Hostel and Indian Christian Hostel—			
Number applied	14	2	4
Number admitted	3	2	2

(b) A copy [a] of the rules is placed on the table.

(c) No.

Mr. V. T. Arasu:—"Will the hon. the Minister be pleased to appoint a committee of selection for this College?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I shall examine the question."

Stipends to Indian Christians in the Lower Elementary Training School at Mangalore.

* 533 *Q.*—Mr. M. S. Sreshta: Will the hon. the Minister for Education and Excise be pleased to state—

(a) why the number of stipends given to Indian Christians this year for a course in the Lower Elementary Training School, Mangalore, are about 66 per cent less than last year, whereas the number of stipends available is about 15 per cent less;

(b) whether the hon. the Minister will be pleased to have the deficiency rectified; and

(c) whether he will be pleased to place on the table the rules governing the distribution of stipends?

A.—(a) & (b) The actual figures relating to admissions to the Lower Elementary Training class of the Government Training School for Masters, Mangalore, are as given below:—

Year.	Total number of provincial stipendiaries.	Number of Indian Christian stipendiaries.
1930-31 ...	34	2
1931-32 ...	30	...

It is the policy of the Government gradually to eliminate the lower elementary grade teachers and admissions into the lower elementary training classes are accordingly restricted to teachers belonging to the backward (including the depressed) classes and the Muhammadan community. Indian Christians who are converts from the depressed classes are eligible for admission.

(c) The hon. Member is referred to the rules in Chapter IX of the Madras Educational Rules, particularly Rule No. 118.

[a] Printed as Appendix I on pages 582–583 infra.

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Agriculture

Application of article 1 of the Public Service Notification to agricultural officers.

* 534 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether any agricultural officers holding the L.Ag. qualification have been debarred from promotion to the gazetted rank on the ground that they are unpassed men according to Article 1 of the Public Service Notification; and

(*b*) if so, how many such cases there are?

A.—(*a*) Yes.
(*b*) Fourteen, in the cadre of upper subordinates.

Mr. A. B. Shetty:—"May I ask whether the hon. Minister will be pleased to consider the cases of officers who have been debarred from promotion?"

The hon. Mr. P. T. Rajan:—"I shall consider the suggestion of my hon. Friend."

Proposed closure of the Chintaladevi Cattle Farm.

* 535 *Q.*—Khan Bahadur Yahya Ali Sahib Bahadur: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that the Chintaladevi Cattle Farm is going to be closed as a measure of retrenchment, and if so, from what date;

(*b*) whether it is a fact that the available cattle in the farm are sold in public auction; and if so, whether such auction has been duly advertised;

(*c*) what the Government propose to do with the buildings and the land belonging to the farm; and

(*d*) whether the Government have considered the desirability of allowing the said farm to be run by a private agency, if forthcoming?

A.—(*a*) The Government have not yet decided on the question.
(*b*), (*c*) & (*d*) Do not arise at this stage.

Local Self-Government

Proposal to build a bridge across the Tungabhadra river.

* 536 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government of His Exalted Highness the Nizam of Hyderabad have consulted the Government of Madras regarding a proposal to build a bridge across the Tungabhadra river, on Adoni and Raichur road and if so, what the terms of the proposal are and whether the Madras Government propose to share the cost of the bridge with His Exalted Highness' Government.

A.—Yes. The Government of His Exalted Highness the Nizam of Hyderabad have suggested that the total cost of the bridge, viz., Rs. 6·6 lakhs, may be shared equally by them and this Government. The proposal is under the consideration of this Government.

Heavy licence fees on buses plying for hire.

* 537 *Q.*—Mr. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether representations have been made to the Government regarding the heavy rate of licence fees charged by any of the district boards on buses plying for hire and, if so, from which districts such complaints have been received; and

(*b*) whether any action has been taken by the Government to prevent local bodies from charging excessive licence fees?

A.—(*a*) Yes, in respect of the rates of licence fees levied by the following district boards—

(1) Ganjam, (2) Vizagapatam, (3) West Godavari, (4) Kistna, (5) Guntur, (6) Malabar, (7) East Godavari, (8) Kurnool and (9) South Kanara.

(*b*) The matter is under consideration.

Inclusion of a portion of the Saidapet Municipality into the limits of the Corporation of Madras.

* 538 *Q.*— Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Chairman of the Saidapet Municipality has addressed the Government that the residents of the portion of Mambalam now in the Saidapet Municipality desire to be included in the Madras municipal limits; if so, whether any reason has been adduced for it; and

(*b*) what steps the Government propose to take?

A.—(*a*) The Saidapet Municipal Council some time ago submitted proposals for the exclusion of the area in question from the limits of the municipality.

(*b*) The proposals are being examined by the Collector of Chingleput and will be considered by Government on receipt of his remarks.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the Collector of Chingleput has since submitted his report? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Not yet."

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Medical

Transfers consequent on G.O. No. 1283, P.H., dated the 16th July 1931.

* 539 *Q.*—Mr. G. SIMHACHALAM: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether he has received any representation to the effect that G.O. No. 1283, P.H., dated the 16th July 1931, has given rise to many transfers and much expenditure;

(*b*) what steps he proposes to take to avoid the transfers necessitated by that G.O. in this financial stringency; and

(*c*) whether he is aware of the transfer of R. Mangaraju, head clerk, Guntur District Medical Officer's office, to Chittoor?

A.—(*a*) No transfers have been made with reference to the Government Order.

(*b*) A copy[a] of G.O. No. 1122 P.H., dated 22nd June 1931, placing certain restrictions on the transfer of clerks attached to the offices of District Medical Officers is placed on the table. The restrictions in this Government Order apply equally to transfers of the clerks employed in hospitals at divisional centres.

(*c*) Yes.

Alleged private undertakings by Dr. Oommen, Deputy Superintendent of the Mental Hospital, Calicut.

* 540 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that about 54 respectable residents of Calicut made an application, dated 5th March 1931, to the Surgeon-General with the Government of Madras, making serious allegations against Dr. Oommen, the late Deputy Superintendent of Mental Hospital, Calicut, that he was running a kuri with bogus personages and that he was running a bogus bank ostensibly in the name of another lad and bringing to the notice of the Government Dr. Oommen's conduct against Public Servants' Conduct Rules; and

(*b*) whether any enquiry was made into the same; if so, what is the result of the said enquiry and what action the Government have taken or propose to take in the matter?

A.—(*a*) A petition, dated the 1st March 1931, on the subject was received by the Surgeon-General.

(*b*) The Government have ordered an enquiry into the allegations made against Dr. Oommen.

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask whether any enquiry was made by the Superintendent of the Mental Hospital at the instance of the Surgeon-General?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Yes, Sir."

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[a] Printed as Appendix II on pages 583–584 infra.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know what is the nature of the allegations?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"They are confidential."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask when the enquiry is likely to be completed in view of the fact that the petition was received on 1st March 1931?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"The Government have ordered an enquiry into the matter; a Special Officer has been deputed for this purpose and it is hoped that the enquiry will be completed soon."

Alleged irregularities in the Mental Hospital, Calicut.

* 541 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the wife of the late store-keeper Govindan filed a suit against Dr. Oommen, late Deputy Superintendent, Mental Hospital, Calicut, in the Munsif's Court, Calicut, for amounts due to her husband in connexion with the kuri fund;

(*b*) whether it is a fact that Dr. Oommen when he was in the Mental Hospital, Calicut, was making the patients of the hospital go to his private estate and work there;

(*c*) whether it is a fact that the food prepared for the patients of the Hospital or intended for them was used for the coolies working in the estate of Dr. Oommen when he was Deputy Superintendent; and

(*d*) what action the Government have taken or propose to take in the matter?

A.—(*a*) Yes.

(*b*) & (*c*) No.

(*d*) The officer has been transferred from the Mental Hospital and Government have ordered an enquiry into certain allegations made against Dr. Oommen.

Alleged petition against Dr. Oommen, Deputy Superintendent of the Calicut Mental Hospital.

* 542 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Superintendent of the Calicut Mental Hospital enquired into a petition presented against Dr. Oommen by the ward attendants and totis of the hospital making allegations against him regarding a prize kuri; if so, what is the result of the said enquiry and whether the same has been reported to the Government; and

(*b*) what action the Government have taken or propose to take in the matter?

A.—(*a*) Yes.

(*b*) The Government have ordered an enquiry into the allegations made against Dr. Oommen who has already been transferred from Calicut.

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Religious Endowments

Opinions of the District Judges and the District Magistrates on the Tirumalai–Tirupati Devasthanams Bill.

* 543 *Q.*—Mr. M. A. Muthiah Chettiyar: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have called for opinions from any District Judges, District Magistrates, and other officers of Government, regarding the Tirumalai–Tirupati Devasthanams Bill; and

(*b*) if so, whether the Government will be pleased to place them on the table of the House?

A.—(*a*) Yes.

(*b*) The matter will be considered.

Mr. Yakub Hasan:—"May I know whether these papers will be placed before the Select Committee?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"The suggestion will be considered."

Irrigation

Agreement, dated the 18*th February* 1924, *between the Government of Madras and the Mysore State.*

* 544 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether copy of the agreement between the Madras Government and the Mysore State, dated 18th February 1924, referred to in the agreement published on page 1424 of Part I of the *Fort St. George Gazette*, dated 23rd September 1930, is available with the Government; and

(*b*) whether a copy of the said agreement will be placed on the table for reference?

A.—(*a*) & (*b*) The agreement was published on pages 776—788 of the *Fort St. George Gazette*, dated 8th July 1924. Copies of G.O. No. 228 I., dated 3rd July 1924, containing the agreement are available in the Council Library.

The Toludur Project.

* 545 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Member for Revenue be pleased to state—

(*a*) when the Toludur Project was completed and what the area cultivated by the said project is;

(*b*) what the cost of the Toludur project and Pelandorai anicut was and what the percentage of return from both these projects is; and

(*c*) whether copies of the Government Order relating to the Toludur project and Pelandorai anicut will be placed on the Table of the House?

A.—(a) The project was completed in 1923. The area irrigated in 1929–30 was 16,043 acres first crop and 2,987 acres second crop.

(b) The cost of the Toludur project was Rs. 25·86 lakhs and of the Pelandorai anicut project Rs. 6·92 lakhs. The return from the Toludur project was 2·43 per cent on the sum at charge in 1929–30. The Pelandorai anicut system yielded a return of 2·52 per cent on the sum at charge in 1929–30.

(c) It is not clear to what orders the hon. Member refers. If he will specify the information he requires, it will be supplied to him, if possible.

Mr. Basheer Ahmed Sayeed :—" May I know from the hon. Member what portion of the area irrigated under the Toludur Project lies in the district of South Arcot?"

The hon. Mr. A. Y. G. Campbell :—" I must ask for notice of the question."

Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" May I ask whether the anticipated ayacut under the project has been brought fully under cultivation?"

The hon. Mr. A. Y. G. Campbell :—" I must ask for notice of the question."

Action taken on the report of the Palar Irrigation Committee.

* 546 Q.—Mr. M. A. Manikkavelu Nayakar : Will the hon. the Member for Revenue be pleased to state—

(a) what steps have been taken on the report of the Palar Irrigation Committee appointed by Government;

(b) whether further information was called for from the Mysore Government as suggested by the report of the Palar Irrigation Committee; and

(c) if so, whether the Government will be pleased to lay it on the table with other connected correspondence?

A.—(a) The Government have prohibited all extensions of irrigation in the Palar basin and the granting of loans for sinking new wells or installing pumps in the area.

(b) Yes.

(c) The Government will consider the publication of the results of the correspondence in due course.

Mr. M. A. Manikkavelu Nayakar :—" May I know whether any steps are being taken to increase the flow of water in the river?"

The hon. Mr. A. Y. G. Campbell :—" I am afraid it is not possible for us to do that."

Mr. V. M. Ramaswami Mudaliyar :—" May I ask whether the unanimous recommendation of the Committee was acted upon, or the official recommendation?"

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The hon. Mr. A. Y. G. CAMPBELL:—" If the hon. Member informs me what particular information he wants, I shall furnish it to him."

Mr. V. M. RAMASWAMI MUDALIYAR:—" With reference to answer (*a*), may I know whether that action was taken on the recommendation of the non-official Members of the Palar Committee or at the instance of the Government themselves?"

The hon. Mr. A. Y. G. CAMPBELL:—" I do not remember, Sir; I must ask for notice of the question."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" May I ask what steps the Government propose to take to improve the condition of irrigation under the Palar anicut?"

The hon. Mr. A. Y. G. CAMPBELL:—" The anicut is being repaired this year. Certain measures have been taken to endeavour to keep the channel from silting up; we are doing what we can."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" It was found that the water flowing in the river was found inadequate; that is why the Committee was appointed. I would like to know from the Government what steps they propose to take in this matter?"

The hon. Mr. A. Y. G. CAMPBELL:—" We cannot improve the supply of water in the river; it is a question of rainfall. Clause (*a*) shows what action has been taken by the Government. As far as Government is concerned, they have prohibited all extensions of irrigation. We cannot prohibit people from digging wells within their private lands; but we can refrain from giving them assistance to do so. That we have done. Certain information has been called for from the Mysore Government to assist us in determining what are the causes of the deficiency of water-supply; as soon as it is received, we propose to consider what could be done further."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" I am referring to the complaint of the ryots of the Palar anicut about what has been done by the Mysore Government. With reference to that point, I wish to know if the Government have come to any decision with regard to the improvement of water-supply?"

The hon. Mr. A. Y. G. CAMPBELL:—" That is a matter which is under correspondence with the Mysore Government. We have asked for certain information and we hope to receive it in due course."

Mr. M. A. MANIKKAVELU NAYAKAR:—" May I know why the recommendation of the non-official Members of the Committee that an officer of the Madras Government may be sent to get the information from the Mysore Government has not been acted upon?"

The hon. Mr. A. Y. G. CAMPBELL:—" That suggestion will be considered, if necessary."

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Mr. M. A. Manikkavelu Nayakar:—" With reference to answer (b), may I ask whether the information was called for, on the recommendation of the non-official Members of the Committee? "

The hon. Mr. A. Y. G. Campbell:—" If the Mysore Government give us the information, it may not be necessary to depute an officer, but we should require the concurrence of the Mysore Government; the whole matter is under correspondence with that Government. It is quite possible that we may subsequently accept that recommendation."

Mr. V. M. Ramaswami Mudaliyar:—" May I ask whether an officer of this Government will be deputed to collect the information or to obtain the concurrence of the Mysore Government? "

The hon. Mr. A. Y. G. Campbell:—" I must ask for notice of the question; I have not got the file here."

Mr. V. M. Ramaswami Mudaliyar:—" May I know whether serious allegations have been made that the Mysore Government have been taking water from the Bothamangalam tank, far in excess of the agreement between that Government and this Government? "

The hon. Mr. A. Y. G. Campbell:—" I must ask for notice of the question."

Mr. V. M. Ramaswami Mudaliyar:—" May I ask the hon. Member to take steps to ascertain how much quantity of water is being utilized for the purpose of the Mysore Government from the Buthamangalam tank? "

The hon. Mr. A. Y. G. Campbell:—" I have informed my hon. Friend that the whole matter is under correspondence with the Mysore Government."

Progress in the construction of the Kattalai high level channel.

* 547 *Q.*—Mr. K. Singam Ayyangar: Will the hon. the Member for Revenue be pleased to state—

(*a*) in what stage the construction of the Kattalai high level channel is;

(*b*) whether estimates are ready and whether the work will be commenced this year; if so, when; if not, in what year the work will be taken up; and

(*c*) whether the construction of the high level channel is to be done along with the construction of the bed-regulator?

A.—(*a*) & (*b*) Estimates are ready. Construction has been stopped because Government have been unable to provide funds for it. The work will proceed as soon as funds can be provided.

(*c*) This depends upon the provision of funds for the high level channel.

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Expenditure on the Minor Irrigation Works in the Nellore district.

* 548 *Q.*—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(*a*) how much money has been spent on minor irrigation works in Nellore district during the past three years and what amount has been allotted for the current year;

(*b*) what amount has been spent on major irrigation works excluding Nellore river canal system and Kanigiri reservoir system during the last five years; and

(*c*) whether the Government have approved of the scheme to improve the Gundemadakala tank; if so, what the estimated amount is?

		RS.
A.—(*a*)	1928–29	67,629
	1929–30	60,846
	1930–31	40,920
	1931–32 (allotment)	46,000
(*b*)	1926–27	65,821
	1927–28	60,902
	1928–29	76,499
	1929–30	73,336
	1930–31	54,789

(*c*) No. A report from the Chief Engineer (Irrigation) is awaited.

Diversion of the Upper Kottai Konar into the Big Amani tank.

* 549 *Q.*—Mr. YAKUB HASAN: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the pattadars of the wet lands under the Big Amani tank, Koratti village, Tiruppattur taluk, North Arcot district, had been memorializing the Government for a long time to divert the Upper Kottai Konar into their tank and to rectify the defect in the sluices;

(*b*) whether there has been a continual failure of crops under the ayacut since 1917 for want of sufficient supply of water; and

(*c*) what steps, if any, have been taken or are proposed to be taken to meet the situation?

A.—(*a*) *to* (*c*) The Government have not the information but will call for a report.

Land Revenue Administration

Proposal for the abolition of certain revenue and taluk divisions in Salem district.

* 550 *Q.*—Mr. K. A. NACHIYAPPA GOUNDAR:—" Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there are any proposals for the abolition of some revenue divisions and taluks in the Salem district owing to retrenchment; and

(*b*) if so, what they are?

A.—(*a*) Yes.

(*b*) The proposals are—

(1) to convert the Rasipur taluk into a sub-taluk attached to Namakkal taluk;

(2) to place the Mettur taluk in charge of an Independent Deputy Tahsildar; and

(3) to abolish the Denkanikotta sub-taluk.

Mr. K. A. NACHIYAPPA GOUNDAR:—" May I know whether there is any proposal to abolish the Sankari division? "

The hon. Mr. A. Y. G. CAMPBELL:—" I do not think there is."

Mr. BASHEER AHMED SAYEED:—" What will be the savings effected by these proposals? "

The hon. Mr. A. Y. G. CAMPBELL:—" I must ask for notice of the question."

Mr. BASHEER AHMED SAYEED:—" May I ask whether these proposals are carried out with a view to effect retrenchment only or for administrative reasons? "

The hon. Mr. A. Y. G. CAMPBELL:—" Retrenchment is the primary cause."

Mr. BASHEER AHMED SAYEED:—" What is the secondary cause? "

The hon. Mr. A. Y. G. CAMPBELL:—" We have got to save money where we can. We are able to do so in this particular district."

Pay and prospects of the Copyist Establishment.

* 551 *Q.*—Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur: With reference to the answer given to my questions No. 449, dated 27th February 1931 and No. 645, dated the 18th March 1931, and the statement laid on the table of the House on the 4th August 1931, will the hon. the Member for Revenue be pleased to state—

(*a*) whether there was any year in which the expenditure incurred on account of the copyists and copyist examiners was not covered by the receipts;

(b) if the receipts have exceeded the expenditure, the average surplus per year; and

(c) whether they propose to make the copyists and copyist examiners permanent?

A.—(a) & (b) The Government have no information other than that contained in the statement which was laid on the table on 4th August 1931.

(c) No.

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" In view of the fact that the receipts of the Copyist establishment have always exceeded the expenditure, as seen from the statement laid on the table of the House on the 4th August, and in view of the fact that there has always been a surplus, may I know whether the Government will be pleased to distribute the surplus of each office to the copyist of that office? "

The hon. Mr. A. Y. G. CAMPBELL:—" I do not think we can consider proposals of that sort for further expenditure in the present financial stringency."

Number of Sardars, Naiks and Paiks in the Ghumsur division.

* 552 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Member for Revenue be pleased to state—

(a) what the total number of (i) Sardars, (ii) Naiks and (iii) Paiks in the Ghumsur division of the Ganjam district is;

(b) what the duties performed by the Sardars, the Naiks and the Paiks of Ghumsur division in Ganjam, respectively, are;

(c) whether the said functionaries discharge their duties invariably in person or whether they are allowed to make money contributions so as to enable the Tahsildars to employ substitutes;

(d) the period for which a Paik, a Naik or a Sardar is required to render service during a year;

(e) how many of them render personal service and how many of them are allowed to contribute 'Pali' money;

(f) why or in what circumstances permission to pay 'Pali' money is granted; and

(g) whether the Government ever sanctioned the receipt of 'Pali' money and the employment of substitutes for Paiks or Naiks or Sardars?

A.—(a) & (b) The attention of the hon. Member is invited to page 6 of the Ganjam District Manual. The services of the Paiks are now generally utilized by the officers of the Forest, Revenue, Public Works and Police departments in carrying tapal and messages, guarding camps, escorting carts, and so forth. The Paiks also generally escort Government officers on tour. The Government have no other information.

(c) *to* (g) The Government have no information.

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Duties of Paiks.

* 553 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether any record is maintained of the Paiks rendering escort duty or of guarding camps and carrying tapals and messages;

(*b*) how many Paiks are employed on such duty during a year;

(*c*) the earliest period from which Samastanam Paiks are employed on escort duty and in carrying tapals under officers of various departments;

(*d*) whether any Paiks are deputed to escort Deputy Inspectors of Schools who visit schools almost in every village of the division or to carry their tapals;

(*e*) whether there are Samastanam Paiks, Naiks and Sardars in all the Agency tracts of the Ganjam district;

(*f*) whether officers of the several departments require any escorts in Agency tracts where there are no Samastanam Paiks;

(*g*) whether Samastanam Paiks escort postal runners in the Ghumsur division or in the Agency tracts;

(*h*) whether it is the practice for village servants to carry urgent tapals from their own village to the next village and the village servants of that village to the next and so on until the tapals reach their destination and to escort public officers in the same manner from village to village whenever and wherever escort is necessary;

(*i*) whether any Paiks service inams in the Pandakhol Agency were resumed;

(*j*) if so, how the officers are escorted in the Pandakhol Agency;

(*k*) whether the Samastanam Paiks or their substitutes render any personal service to the Tahsildar and his staff at the Taluk stations in the Ghumsur division;

(*l*) whether it is a fact that Sardars, Naiks and Paiks are paid daily batta when on service; and

(*m*) the amount of batta so paid per day and what the annual expenditure incurred on that account is?

A.—(*a*) *to* (*h*) & (*j*) *to* (*m*) The attention of the hon. Member is invited to the answer given to clauses (*a*) and (*b*) of question No. 552. The Government have no other information.

(*i*) The 'Paik' service inams in the Pondakhole Mutta, Surada taluk, Ganjam district, except those situated in the villages of Soroponko and Jatrama, were resumed and fully assessed.

Duties of Samastanam Paiks, Naiks and Sardars.

* 554 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that formerly Samastanam Paiks, Naiks and Sardars of Ghumsur division were deputed to serve as guards at salt factories during the manufacturing season;

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(b) for how many years they were so employed and when such deputation was terminated and why;

(c) whether Samastanam Paiks, Naiks and Sardars are employed as treasury guards in the Ghumsur division in addition to or in lieu of the ordinary police; and

(d) whether there is any necessity for placing additional guards at Government treasuries in the Ghumsur division?

A.—(*a*) *to* (*d*) The attention of the hon. Member is invited to the answer given to clauses (*a*) and (*b*) of question No. 552. The Government have no other information.

Resumption of service inams held by the Sardars, Naiks and Paiks of the Ghumsur division.

* 555 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Member for Revenue be pleased to state whether it is a fact that the Inam Commissioner in 1862 or thereabouts ordered the resumption of service inams held by the Sardars, Naiks and Paiks of Ghumsur division as well as the doratanams of the Parlakimedi taluk, but that by G.O. No. 1110, dated 13th July 1867, Government directed that they should be left untouched and that by G.O. No. 1425, Revenue, dated 22nd July 1927, the doratanam inams in Parlakimedi taluk were ordered to be resumed and fully assessed?

A.—In G.O. No. 1110, dated 13th July 1867, the Government ordered that no change should then be made in the condition of the Paiks. At the same time the Government stated that they would give their deliberate consideration to this question later. In G.O. No. 1425, Revenue, dated 22nd July 1927, the Government directed that the doratanam inams in the Parlakimedi estate should be resumed and fully assessed.

Procedure in regard to the levy of 'Theerva Jasthi' and 'Pasal Jasthi'.

* 556 *Q.*—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state what is the procedure now adopted in order to let the villagers know of the levy of the excess water-cess by way of 'Theervai Jasthi' and 'Pasal Jasthi'?

A.—When a patta is delivered to a ryot at jamabandi it contains particulars of these charges. In cases where it is proposed to levy enhanced water cess for the irregular use of Government water, intimation of the proposal is given to the ryots, a reasonable interval being allowed for the submission of objections. It is left to the Collectors, subject to the control of the Board of Revenue, to decide whether this intimation should take the form of an individual notice to each ryot or a collective notice posted up from time to time in the village chavadi or other public place.

Mr. V. M. Ramaswami Mudaliyar:—"May I know whether intimation of the enhanced cess is given before the excess of water is used or after it is used?"

The hon. Mr. A. Y. G. Campbell:—"After the water is used."

Mr. V. M. Ramaswami Mudaliyar:—"Is it not a fact that any evidence to prove the contrary would vanish, if intimation is given long after the water is used?"

(No reply.)

Extent of dry lands in Repalle taluk, prior to the introduction of the increased shutters to the Kistna anicut.

* 557 *Q.*—Mr. G. Simhachalam: Will the hon. the Member for Revenue be pleased to state—

(*a*) what the extent of dry lands was in the year immediately preceding the introduction of the increased shutters to the Kistna anicut, held by the ryots in the Repalle taluk, Guntur district, which were unfit for dry cultivation and useless to those ryots unless brought under irrigation;

(*b*) how much of that extent has been sanctioned for irrigation since then;

(*c*) how much of it is still lying waste;

(*d*) what the reason for not extending the benefit of irrigation to those lands is; and

(*e*) whether the Government are aware that most of these lands are lands situated at the tail-ends of irrigation canals, and can easily be irrigated with much less water than elsewhere and with no additional cost to them?

A.—(*a*) *to* (*e*) The Government have not the information. A report has been called for.

Mr. G. Simhachalam:—"May I ask whether the hon. Member has any objection to place the report on the table of the House when it is received?"

The hon. Mr. A. Y. G. Campbell:—"I shall consider the question when the report is received."

Minor Irrigation

Restoration of the Panjamthangi tank, Ramnad district.

* 558 *Q.*—Mr. M. Devadasan: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Elundrakondan Periyakulam and Panjamthangi tank in Elundrakondan, Srivilliputtur taluk, Ramnad district, serve one and the same ayacut;

(*b*) whether it is a fact that the Panjamthangi tank is in an abandoned state and the question of its restoration is now engaging the attention of the Government;

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(c) whether it is a fact that consequent on the abandoned state of the Panjamthangi tank, the 155 acres of mamul wet lands lying below suffer much in the matter of their irrigation ordinarily;

(d) whether it is a fact that the above wet lands get their supply from the Periyakulam through the surplus vents, sluices I and II and the Panjamthangi tank;

(e) whether it is a fact that some dry lands to the north of sluice II are to be transferred to wet;

(f) what is the extra revenue the Government will get by transferring these lands to wet; and

(g) whether the Government will be pleased to direct that the transfer of the dry lands to the north of sluice II be postponed till the Panjamthangi tank is restored?

A.—(a) *to* (g) The Government have not the information. A report has been called for.

Issue of permits for water-rate cultivation in the Elundrakondan village.

* 559 *Q.*—Mr. M. D. T. Ranganatha Mudaliyar: Will the hon. the Member for Revenue be pleased to state—

(a) whether the officers responsible for the grant of permission for water-rate cultivation in Elundrakondan village satisfied themselves when issuing permits in fasli 1340 that there would be sufficient supply for the mamul wet lands;

(b) how many acres of mamul wet lands mainly depend on the Panjamthangi tank for their irrigation after they cease to receive supply from the Elundrakondan Periyakulam;

(c) what is the capacity of the Panjamthangi tank and how many days' supply does it hold for the wet lands under it and whether the capacity is sufficient to give 40 days' supply to the lands east of it;

(d) whether it is proposed to transfer some dry lands to the east of the Panjamthangi tank to wet; and

(e) whether it is a fact that the wet lands east of the Panjamthangi and those fed by the surplus odai suffer from want of adequate supply when the water in the Periyakulam goes below the sill of the surplus vents?

A.—(a) *to* (e) The Government have not the information. A report has been called for.

Dry cultivation under Elundrakondan Periyakulam.

* 560 *Q.*—Mr. M. D. T. Ranganatha Mudaliyar: Will the hon. the Member for Revenue be pleased to state—

(a) what is the source of irrigation for dry lands S. Nos. 39, 48, 52, 55, 56 and 57 under Elundrakondan Periyakulam now proposed for transfer to wet;

(b) how long these lands have been under water-rate cultivation;

(c) whether there is any plan marked channel to irrigate these lands;

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(*d*) whether these lands were not lowered and brought under water-rate cultivation in or about 1925;

(*e*) how many acres of mamul wet lands lie below these dry lands;

(*f*) whether it is a fact that the lower down mamul wet lands will be seriously prejudiced by allowing wet cultivation on these lands with tank water;

(*g*) whether it is a fact that wet lands irrigated by the surplus odai will get only 80 out of 120 days' supply in the Elundrakondan Periyakulam and for the rest of the period they have to depend on the Panjamthangi tank and even this tank is in an abandoned state and could not hold even rain water owing to the various acts of the dry land-owner;

(*h*) whether it is a fact that these lands are being irrigated by putting up a cross dam, across the surplus odai making new openings in the Panjamthangi tank-bund and excavating new channels in the rear slope of the Panjamthangi bund unauthorizedly;

(*i*) whether it is a fact that the owner of the above dry lands cut open the Panjamthangi tank-bund and was irrigating his dry lands above mentioned by inserting pipes and the ryots objected to the unauthorized irrigation in 1925–26;

(*j*) whether the Sub-Collector or any officer of the Public Works Department inspected these lands and the unauthorized acts of damage done to the Panjamthangi tank-bund by the owner of the dry lands in or about 1925; and

(*k*) whether the hon. Member will be pleased to lay on the table of the House the reports of the Sub-Collector and of the Executive Engineer, if any, on the objection petitions of the ryots and the orders of the Collector thereon, if any?

A.—(*a*) *to* (*k*) The Government have not the information. A report has been called for.

Water-rate cultivation under Elundrakondan Periakulam.

* 561 *Q.*—Mr. K. R. VENKATARAMA AYYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government are aware that water-rate cultivation is permitted for a very large area under Elundrakondan Periakulam;

(*b*) whether the Executive Engineer gave any opinion with regard to water-rate cultivation under this tank, and if so, what is his opinion;

(*c*) what is the extent of wet and water-rate lands that got below 12 annas yield during faslis 1336 to 1340 and what was the cause for the low yield, if any; and

(*d*) the ayacut under the tank at the old settlement;
the ayacut at the resettlement;
the extent of dry lands transferred to wet last fasli;
the extent of double crop wet lands under the tank;
the extent of dry lands now proposed to be transferred to wet?

A.—(*a*) *to* (*d*) The Government have not the information. A report has been called for.

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Particulars regarding the ayan tanks in Mudivanangan group.

* 562 *Q.*—Mr. K. R. Venkatarama Ayyar: Will the hon. the Member for Revenue be pleased to lay on the Council table a comparative statement in respect of the ayan tanks in Mudivanangan group, viz., Chettiarpatti, Thondamankulam, Maruthuvaneri and Elundrakondan Periakulam tanks, showing—

(*i*) the ayacut under the tanks, and the quantity of water stored per acre of wet land;

(*ii*) the number of days' supply the tanks received during faslis 1336 to 1340 and the dates on which such supplies were received; and

(*iii*) the extent of water-rate cultivation allowed under the tanks in faslis 1336 to 1340?

A.—The Government have not the information. A report has been called for.

Particulars regarding the ayan tanks in Mudivanangan group.

* 563 *Q.*—Rao Bahadur T. A. Ramalingam Chettiyar: Will the hon. the Member for Revenue be pleased to lay on the Council table a comparative statement in respect of the ayan tanks in Mudivanangan group, viz., Thondamankulam, Chettiarpatti, Maruthuvaneri and Elundrakondan Periakulam showing—

(*a*) the capacity of the above tanks;

(*b*) the ayacut under the tanks;

(*c*) water stored per acre of irrigation of wet lands; and

(*d*) the extent of water-rate cultivation permitted under the above tanks during the preceding five faslis?

A.—The Government have not the information. A report has been called for.

Extracts of No. 20 *account for faslis* 1337 *to* 1340 *in respect of the tanks in Koonankulam group.*

* 564 *Q.*—Mr. K. R. Venkatarama Ayyar: Will the hon. the Member for Revenue be pleased—

(*i*) to lay on the Council table extracts of No. 20 account for faslis 1337 to 1340 in respect of Kollankondon, Kulasekaraperi, Teivetti and Koonankulam tanks of the Koonankulam group; and

(*ii*) to state the extent of water-rate cultivation allowed under Elundrakondan Periakulam in fasli 1340, the dates on which permits were issued and the state of supply in the tank on the respective dates when permission was given?

A.—The Government have not the information. A report has been called for.

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Supply received by the Elundrakondan Periakulam tank during the last five faslis.

* 565 *Q.*—Rao Bahadur T. A. Ramalingam Chettiyar: Will the hon. the Member for Revenue be pleased to state the number of days' supply the Elundrakondan Periakulam tank received during the last five faslis, the amount of remission granted and the extent of water-rate cultivation under the tank during the last five faslis?

A.—The Government have not the information. A report has been called for.

Public Service

Exemption from Article 1 of the Public Service Notification.

* 566 *Q.*—Mr. A. B. Shetty: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government will be pleased to lay on the table of the House a copy of G.O. No. 1084, Public, dated 24th October 1929, regarding the grant of exemptions to unpassed clerks from Article 1 of the Public Service Notification;

(*b*) whether any exemptions have been granted to unpassed clerks in the Revenue Department in South Kanara since October 1929 and, if so, on what specified grounds they have been granted; and

(*c*) whether there are any instances in which such exemptions have been refused by the Government in the year 1930 in spite of the recommendation of the District Collector of South Kanara and, if so, on what grounds?

A.—(*a*) The Government Order[a] is placed on the table of the House.

(*b*) Yes. In five cases exemption has been granted on the following grounds for each applicant:—

Case (1) This was a case of further exemption of a clerk who had already been exempted in the scale of Rs. 35—60 to enable him to draw pay in the scale of Rs. 60—4—80;

(i) The clerk's work was well reported upon;

(ii) he had passed all the tests required for a Tahsildar and completed the Revenue Inspector's course and was fully equipped for promotion to the grade of Rs. 60—4—80; and

(iii) there were already a fairly large number of non-Brahmans in the grade of Rs. 60—4—80 and two Brahmans had just then been promoted to that grade. The Collector therefore wanted to give the next vacancy in that grade to a Christian.

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[a] Printed as Appendix III on pages 584–585 infra.

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Case (2) This was a case of permitting an exempted clerk to cross the efficiency bar at Rs. 50 in the scale of Rs. 35—60;

(i) The clerk had already reached a pay of Rs. 50 per mensem in the scale of Rs. 35—60 and had remained at that pay for over three years;

(ii) his work was reported to be very satisfactory; and

(iii) he belonged to a community which was poorly represented in the superior service of the Revenue Department in the South Kanara district.

Case (3) This was a case of further exemption of a clerk who had already been exempted to draw a pay of Rs. 35 per mensem in the scale of Rs. 35—60 to enable him to draw increments in that scale;

(i) The clerk was reported to be of good average ability;

(ii) he had pre-armistice war service to his credit; and

(iii) he had already put in six years service in the Revenue Department and had all along remained on the same pay as when he joined the Department.

Case (4) This was a case of exemption of a permanent typist to hold the post of clerk on Rs. 35—50;

(i) Except in Elementary Mathematics the clerk had secured high marks in all other subjects at the S.S.L.C. examination;

(ii) his work as typist was reported to be very satisfactory; and

(iii) he belonged to a community which had not been represented in the clerical service of the Government in the South Kanara district.

Case (5) This was a case of temporary exemption to hold the post of a clerk on Rs. 35 per mensem for four months under the Monegar of the Amin-Divi Islands;

(i) The services of a passed man willing to go to the Islands and knowing Kanarese, Malayalam and Arabic Malayalam, could not be obtained.

(*c*) Only one case of refusal has been traced. Exemption was refused on the grounds that

(i) the applicant's only claim was that he belonged to a community which was poorly represented in the Revenue Department; and

(ii) the Board of Revenue reported that there was no difficulty in getting qualified men for appointment as clerks in the district.

Mr. A. B. SHETTY :—" With reference to answer (c), may I know on what grounds the District Collector recommended that particular clerk?"

The hon. Mr. A. Y. G. CAMPBELL :—" I must ask for notice of the question."

Mr. A. B. SHETTY :—" May I ask whether the hon. Member would be pleased to call for the connected papers and find out whether any injustice has been done to this poor clerk in this matter?"

The hon. Mr. A. Y. G. CAMPBELL :—" I shall look into the papers again."

Cinchona

Personnel of the staff of the Government Cinchona plantations.

* 567 *Q.*—Rao Sahib V. I. MUNISWAMI PILLAI : Will the hon. the Law Member be pleased to state—

(*a*) the number of European and Indian staff in the Government Cinchona plantations both in the Anamalais and Nilgiris respectively;

(*b*) how many coolies are employed in each of these plantations and what are the monthly salaries for permanent coolies and daily wages for temporary coolies;

(*c*) how many coolie lines were built during the years 1928, 1929 and 1930 giving the number of rooms in each line, dimensions of each room and the number of families that could live in each line; and

(*d*) whether it is a fact that Kole and Labour maistris are given contract work?

A.—(*a*) European ... ... Nil.
Indians 15

(*b*) Nilgiris and Anamalais about 350 each.

Unskilled labour, permanent or temporary, is divided into six classes according to the sex, age and the coolie's capacity for work and is paid daily wages according to its classification as follows :—

Class		Wages
Class	I	8 to 7 annas
,,	II	7 to 6 ,,
,,	III	6 to 5 ,,
,,	IV	5 to 4 ,,
,,	V	4 to 3 ,,
,,	VI	3 to 2 ,,

subject to an addition of one anna for work of an arduous nature.

Skilled labour employed on daily wages is paid wages not exceeding Rs. 3 per diem, and that on monthly rates of pay is paid Rs. 15, which can only be exceeded subject to the sanction of the Government.

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(c) *Anamalais*.—During 1928–29, 12 rooms each 12 feet × 10 feet with latrines and verandah, were built, each room being designed for a family of about five or six persons. During 1929–30, 12 such rooms were built.

(d) Not for ordinary plantation work, except when it is cheaper or convenient, e.g., felling work, for which a rate per acre is fixed or revetment work for which a cubic content rate is fixed.

Civil Justice

Proposal, if any, to reduce the strength of the High Court Bench.

* 568 *Q*.—Mr. M. A. Manikkavelu Nayakar: Will the hon. the Law Member be pleased to state—

(*a*) whether there is a proposal with the Government to reduce the number of High Court Judges for the sake of retrenchment; and

(*b*) if so, what is the number to be reduced?

A.—(*a*) & (*b*) No such proposal is at present under the consideration of Government.

Mr. M. A. Manikkavelu Nayakar:—" In view of the fact that retrenchment is effected in other departments of the Government, may I know whether the Government do not consider it advisable to reduce the number of High Court Judges also? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" It is not practicable, having regard to the state of arrears in the High Court."

Mr. M. A. Manikkavelu Nayakar:—" May I ask if the hon. Member is aware that, after the number of Judges was increased, the arrears also began to increase? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I am not aware of it."

Mr. V. M. Ramaswami Mudaliyar:—" Is there any proposal to reduce the pay of the High Court Judges? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" No, Sir."

Mr. V. M. Ramaswami Mudaliyar:—" May I know whether there has been any voluntary cut on the part of the High Court Judges? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" If my hon. Friend had been here when His Excellency addressed this Council, he would have had the information from his speech."

Mr. V. M. Ramaswami Mudaliyar:—" As I was not here then, will the hon. Member be pleased to give the information? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" My hon. Friend can have it from the newspapers."

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Mr. Basheer Ahmed Sayeed:—" May I ask whether the Government of the hon. the Law Member has since received the proposal of the High Court Judges with regard to retrenchment in their salaries? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" No, Sir."

Diwan Bahadur R. N. Arogyaswami Mudaliyar:—" May I ask whether the arrears in the High Court are being satisfactorily reduced? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" Attempts are made in that direction."

Diwan Bahadur R. N. Arogyaswami Mudaliyar:—" May I know what steps the Government propose to take in order to lessen the arrears? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" The Judges are devoting their full attention to this question."

Mr. Basheer Ahmed Sayeed:—" Will the hon. Member be pleased to state what retrenchment has been effected in the High Court establishment? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" It is left to the discretion of the Chief Justice under the Letters Patent."

Mr. Abdul Hameed Khan:—" May I ask if the hon. Member is aware that since the Master of the High Court has been appointed, the work of the Judges has been considerably reduced, as the Master has taken over a good deal work? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" Not with reference to the important portion of the work of the Judges."

Transfer of Sarishtadars of District Courts.

* 569 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the hon. the Law Member be pleased to state whether any representation has been made in the current year by the Bar Associations in the Presidency to the Government of Madras on the subject of transfer of District Court Sarishtadars who have served for more than three years at a station and what action has been taken thereon ?

A.—No such representation has been received. Under the Madras Civil Courts Act, III of 1873, the transfer of Sarishtadars of District Courts is a matter within the discretion of the High Court.

Electricity

Electrification of Salem and Erode.

* 570 *Q.*—Mr. K. A. Nachiyappa Goundar: Will the hon. the Law Member be pleased to state— 11-15 a.m.

(*a*) at what stage the electrification of Salem and Erode is;

(*b*) when will the work be actually finished;

(*c*) when the electric power from Pykara will be introduced to these towns;

(*d*) if electric power from Pykara is brought in, what will be the rate for each unit; and

(*e*) whether there is any feasibility to develop electricity from Mettur dam when it is completed?

A.—(*a*) & (*b*) The Government lines have already been laid. The licensees expect to supply electricity to Salem by December 1931. It cannot be said at present when the supply to Erode will commence.

(*c*) It is expected that power from Pykara will be supplied in April 1933.

(*d*) Such rates as may from time to time be fixed, with the approval of the Government, subject to the maximum rates specified in clause 27 of the Fourth Annexure to the Salem-Erode Electric Licence, 1931, published in the *Fort St. George Gazette*, dated 6th January 1931.

(*e*) Yes.

Mr. K. A. NACHIYAPPA GOUNDAR:—" May I know, Sir, whether there is any proposal to develop electricity at Mettur? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" There is some such idea."

Dr. P. SUBBARAYAN:—" Has the Octavius Steel Company applied for extending their licence to various other parts than those for which they have already taken the licence? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Notice, Sir."

Prisons

Alleged complaints against Mr. Howe, Superintendent of the Vizagapatam Jail.

* 571 *Q.*—Mr. SAMI VENKATACHALAM CHETTI: Will the hon. the Law Member be pleased to state—

(*a*) when Mr. Howe was transferred to Vizagapatam Jail;

(*b*) the number and class of jail offences and nature of punishments awarded from the date of his assumption of duties till the 15th July 1931;

(*c*) the number of complaints, signed, anonymous and pseudonymous, received by the Government and Inspector-General of Prisons about the affairs of Vizagapatam Jail from the said date;

(*d*) what are, in general, the complaints narrated therein;

(*e*) what action the Inspector-General of Prisons or the Government have taken on them; and

(*f*) how many times the Inspector-General visited the jail during the period?

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A.—(a) He joined duty as Superintendent of the Central Jail, Vizagapatam, on 9th March 1931.

(b) Twelve major offences were committed during the period. The punishments awarded were handcuffs, bar fetters, cross bar fetters, reduction of grade and reduction of remission.

(c) Four signed petitions were received by the Government and one by the Inspector-General of Prisons.

(d) It was represented in the petitions that prisoner Sri Hari Rao went on hunger strike because he was treated like an ordinary prisoner and supplied with unwholesome food. It was suggested that he might be released and that his friends might be allowed to interview him.

(e) On receipt of the petition by the Inspector-General of Prisons, it was immediately referred to the Superintendent who reported that the prisoner had stopped hunger strike. Messrs. V. L. Sastri and Kaleswara Rao were allowed by the Superintendent to interview the prisoner. The question of release was considered by the Government and was decided against. The hon. Member is also referred to the answers to clauses (a) and (b) of question No. 430. There is no truth in the allegation that the prisoner was given unwholesome food.

(f) The jail was not inspected by the Inspector-General during the period.

Mr. Sami Venkatachalam Chetti :—" May I ask whether the hon. the Law Member has noticed that, wherever Mr. Howe went, he was followed by complaints? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I am not aware of that."

Mr. Sami Venkatachalam Chetti :—" May I ask whether the hon. the Law Member is aware that, so long as he was in Madras Penitentiary, there were some complaints against him? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" There were some complaints in this Council regarding what he is alleged to have done."

Mr. Sami Venkatachalam Chetti :—" May I know if the hon. the Law Member did not make any enquiry into those allegations? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" Enquiries were made and answers were given here."

Mr. Sami Venkatachalam Chetti :—" May I know whether the other complaints in regard to the Vizagapatam Jail are in the nature of the complaints which were received while Mr. Howe was in Madras? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" Complaints of a different kind altogether."

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Mr. SAMI VENKATACHALAM CHETTI:—"May I know if, after Mr. Howe was transferred to the Vizagapatam Jail, there has been a cessation of complaints from the Madras Penitentiary?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice, Sir."

Mr. SAMI VENKATACHALAM CHETTI:—"Has the Government received any complaints, Sir?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. the Law Member will enquire as to why these complaints come wherever Mr. Howe goes?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not admit the correctness of the premises of my friend's question."

Mr. ABDUL HAMEED KHAN:—"Sir, the hon. the Law Member just now admitted that, when Mr. Howe was here, there were many complaints and that when he went to Vizagapatam, there have been complaints there also. Does he mean to say that there are no complaints against him at all?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I meant nothing of the kind. As a matter of fact, the answer says that there have been complaints and the Inspector-General enquired into those complaints."

Mr. SAMI VENKATACHALAM CHETTI:—"Were there complaints in Vizagapatam before Mr. Howe went there?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

Mr. ABDUL HAMEED KHAN:—"Sir, is the hon. the Law Member aware that Mr. Sri Hari Rao was on hunger-strike for 66 days and yet it was not thought necessary either by the Inspector-General of Prisons or even by the hon. the Law Member himself to go and visit the jail?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"There was no need for me to go there."

Mr. ABDUL HAMEED KHAN:—"I want to know whether he did not consider it such an important and serious matter as to necessitate his going and seeing the jail himself?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No; in fact a Member of Government is not expected to inspect any place for reasons like this."

Mr. ABDUL HAMEED KHAN:—"May I know if the Inspector-General of Prisons visited the place?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"He did enquire into the complaint."

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Mr. ABDUL HAMEED KHAN :—" Then he did not go there personally? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No."

Mr. ABDUL HAMEED KHAN :—" Why? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Because it was not necessary."

Mr. ABDUL HAMEED KHAN :—" Did he realize then that this was not a serious matter—a man being on death-bed? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" In the first place he was not on death-bed; in the second place, the Inspector-General made enquiries."

Mr. SAMI VENKATACHALAM CHETTI :—" Did the Inspector-General know that it was customary for Mr. Howe to have such complaints received against him wherever he went? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I refuse to answer a question pitched in that key, Sir."

Supply of food to the civil prisoners in the Central Jail at Vellore.

* 572 *Q.*—Mr. M. A. MANIKKAVELU NAYAKAR: Will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that the civil prisoners in the Central Jail at Vellore are supplied with food prepared by convicts and served to convicts in the Central Jail; and

(*b*) on whose initiative and for what reasons the food intended for convicts is given to civil debtors in the Central Jail ?

A.—(*a*) & (*b*) The Government have no information but have called for it.

Mr. M. A. MANIKKAVELU NAYAKAR :—" Will the Government be pleased to call for the information as there is much discontent over this matter? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I have called for the information and the answer states that. I do not know why the hon. Member puts a supplementary question without reading the answer already on the paper."

Mr. BASHEER AHMED SAYEED :—" Sir, is the hon. the Law Member right in making such remarks against questions put by hon. Members of the House? "

The hon. the PRESIDENT :—" The hon. Member of Government is quite entitled to call the attention of the hon. Member who is putting the supplementary question to the answer already on paper."

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Mr. V. M. Ramaswami Mudaliyar:—" Sir, the allegation made in the question is a fact; so, when the information is received, will the hon. Member be pleased to see that this state of affairs is put an end to? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" Yes, if necessary."

Depressed Classes

Aid to the Adi-Dravidas in Vishnuvakkam village.

* 573 *Q.*—Rao Sahib V. Dharmalingam Pillai: Will the hon. the Home Member be pleased to state—

(*a*) whether it is true that the dwelling houses in the Cheri of Vishnuvakkam village No. 115 of Tiruvallur taluk are submerged in water every year in the rainy season; and

(*b*) what action the Government propose to take to safeguard the lives and huts of the Adi-Dravidas living there?

A.—(*a*) No. On occasions when the tank near the cheri surpluses, some water gets into the streets of the cheri.

(*b*) The Government are informed that the lives of the Adi-Dravidas are in no danger; but the Commissioner of Labour will be asked to see if arrangements can be made to improve the conditions.

Factories

Report by the Commissioner of Labour on the condition of labour prevailing in the beedi factories of Madras.

* 574 *Q.*—Mr. V. T. Arasu: Will the hon. the Home Member be pleased to state—

(*a*) whether the late Commissioner of Labour, Mr. Grey, has submitted to Government a report on labour conditions in the beedi factories in the city of Madras; and

(*b*) if so, whether the Government will be pleased to place it on the table of the House?

A.—(*a*) Yes.

(*b*) The Government are unable to place the report on the table of the House.

Mr. V. T. Arasu:—" I should like to know from the hon. the Home Member why the Government consider this report confidential? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—" Government will have to consider this report along with the Report of the Whitley Commission and until they do so, it is not possible for the Government to place the former on the table of the House."

Mr. V. T. Arasu:—" In view of the fact that notice has been given of a Bill to regulate the conditions of labour in beedi factories, will the hon. the Home Member be pleased to place this report on the table?

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The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"No, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—With reference to the answer to clause (b) of the question, may I know whether the inability to place the report on the table is due to physical reason or to sentiment?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"As I have already said, this report has to be considered along with the Whitley Commission Report, and I may say that my hon. Frined Mr. Arasu's Bill is causing a lot of uneasiness to Muhammadan beedi merchants who came and saw me last week and made representations to the effect that the Bill would bring a lot of starvation among the poor Muhammadans. Therefore, I must take some time and consider the question carefully before I can place the report on the table of the House."

Mr. V. T. ARASU:—"Is it on account of the representations made to the hon. the Home Member that he finds it unable to publish this report?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"No, Sir; I have already answered this question."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Are we to understand, Sir, that the hon. the Home Member does not agree with the conclusions and the observations of the Royal Commission on this question of labourers in the beedi factories?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"I have said no such thing. All that I said was that I would have to look into both sides of the question carefully."

Mr. BASHEER AHMED SAYEED:—"May I know what reasons led the Government to institute this enquiry?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"I think the 29 Madras Youth League brought certain matters to the notice of the Government and we then called for a report from the Labour Commissioner. That report is confidential, and we thought that we might consider it along with the Whitley Commission Report."

Mr. BASHEER AHMED SAYEED:—"May I know whether any opportunity will be given to the 29 Madras Youth League to support or controvert the remarks made in that report of Mr. Grey?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
'No, Sir."

Mr. V. T. ARASU:—"Was not Mr. Grey directed to submit a report to the Government on the working of the beedi factories as a reply to the allegations made in the report of the 29 Madras Youth League?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"I have already answered that."

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Mr. Sami Venkatachalam Chetti:—"May I know if the report contains very damaging statements about the working of these beedi factories?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I cannot answer that question off-hand."

General

Order under section 144, Criminal Procedure Code, against the Secretaries of the Zamindari Ryots' Conference.

*575 *Q.*—Mr. Abdul Hameed Khan: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that prohibitory orders were issued on the Secretaries of the Reception Committee of the Zamindari Ryots' Conference (District and Provincial) that was held at Venkatagiri in Nellore district on the 8th and 9th September 1931;

(*b*) whether he will place on the table a copy of the order of the Sub-Collector as also a written statement filed in reply to the prohibitory orders;

(*c*) whether it is a fact that the Chairman of the Reception Committee, Mr. Perumal Naidu, an ex-M.L.A., as also Mr. Biswanath Das, an ex-M.L.C., interviewed the Sub-Collector and Magistrate of Gudur regarding prohibitory orders issued under section 144, Criminal Procedure Code;

(*d*) whether it is a fact that admission to this Conference was regulated by tickets both for the delegates and visitors; and

(*e*) whether the Government have ascertained from the Police and the Sub-Collector the reasons for their apprehension of a breach of peace?

A.—(*a*) An order under section 144, Criminal Procedure Code, was served on K. Kalyana Rao and K. Venkatarama Rao of whom the former was advertised to be the Secretary of the Reception Committee of the Zamindari Ryots' Conference proposed to be held on the 8th and 9th September 1931.

(*b*) Copies [a] of the order of the Joint Magistrate, Gudur, and the petition filed by the parties concerned in reply to it are placed on the table.

(*c*) Yes.

(*d*) It is understood that it was proposed to regulate admission for delegates and visitors by ticket.

(*e*) The reasons for the apprehension of a breach of the peace are explained in the order of the Joint Magistrate, Gudur.

Mr. Sami Venkatachalam Chetti:—"May I ask the hon. the Home Member whether it is the intention of the Government to prevent meetings wherein it might be anticipated that some speeches might be resented by the persons concerned in holding the meeting?"

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[a] Printed as Appendix IV on pages 585—588 infra.

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"No, Sir; it is not the intention of the Government. I quite realize it as a very extreme step to stop a conference. It would naturally give an impression to the public that the authorities are siding with one party or another. Government have gone very carefully into this question in the present case, and they think the reasons given by the authorities in this case hold good. I hope there will be no repetition of such a thing again."

Alleged issue of a circular by the District Superintendent of Police, regarding picketing in Chittoor district.

* 576 *Q.*—Mr. C. R. PARTHASARATHI AYYANGAR: Will the hon. the Home Member be pleased to state—

(*a*) whether the District Superintendent of Police, Chittoor, issued any circular that police should attend every shop where picketing is going on;

(*b*) if not, why did the sub-inspector of police and Circle Inspector and the Excise sub-inspector go on the 12th of July to the Kattamanchi toddy shop even before the picketing began at Chittoor; and

(*c*) whether the hon. the Home Member had prepared and sent any instructions to the district officers in the mufassal in the matter of picketing and in the observing of the Gandhi-Irwin Pact; if not, why not?

A.—(*a*) No.

(*b*) Because they received information that the shop was going to be picketed in such a manner as was likely to provoke a breach of the peace.

(*c*) The Hon'ble Member is referred to the answer to clause (*h*) of his question No. 450.

Interference by the District Superintendent of Police, Chittoor, in the matter of picketing of toddy shops in Kuppam.

* 577 *Q.*—Mr. C. R. PARTHASARATHI AYYANGAR: Will the hon. the Home Member be pleased to state—

(*a*) whether in or about August last, the District Superintendent of Police of Chittoor ordered that the number of picketers at toddy shops at Kuppam should not exceed four or five even though there may be any number of approaches to the toddy shops; and

(*b*) whether it is a fact that the District Superintendent of Police also issued an order under section 30 (2) of the Indian Police Act that picketing volunteers should not march in the streets of Kuppam in procession?

A.—(*a*) & (*b*) The hon. Member is referred to the answers to clause (*b*) and (*c*) of question No. 580.

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Police

Alleged parade of a number of reserve police in Kuppam.

* 578 *Q.*—Mr. C. R. PARTHASARATHI AYYANGAR: Will the hon. the Home Member be pleased to state—

(*a*) whether in or about August last, the District Superintendent of Police of Chittoor brought down a number of police reserve to Kuppam; if so, how long did they stay there, and why; and

(*b*) whether he paraded them through the streets of Kuppam; if so, for how many days, and why?

A.—(*a*) The hon. Member is referred to the answer to question No. 328.

(*b*) The reserve party was marched through the streets to their training ground in the ordinary course of duty.

Arrest and prosecution of toddy shop picketers in Kuppam under section 107, Criminal Procedure Code.

* 579 *Q.*—Mr. C. R. PARTHASARATHI AYYANGAR: Will the hon. the Home Member be pleased to state—

(*a*) whether Mr. Radhakrishna Chetti was threatened by the police to take away his employees from picketing;

(*b*) whether toddy shop picketers at Kuppam were arrested and put up under section 107 of the Criminal Procedure Code for not having stopped picketing; and

(*c*) whether the traders in Kuppam were threatened by the police with loss to their business, if they did not stop their picketing?

A.—(*a*) No.

(*b*) Ten persons against whom there is evidence of intimidation in connexion with picketing have been proceeded against under section 107, Criminal Procedure Code.

(*c*) No.

[For further list of starred questions, please see page 511 infra.]

UNSTARRED QUESTIONS

General

Picketing of liquor shops in Kuppam, Chittoor district.

580 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(*a*) when the picketing of liquor shops commenced in Kuppam, Chittoor district, and whether, and, if so, when it was considered objectionable by the Police or the Magistracy and on what grounds;

(*b*) whether the District Superintendent of Police issued an order that not more than five persons should picket the entrances to the toddy shops in Kuppam, and if so, when, why and under what authority;

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(c) whether the Superintendent further issued an order prohibiting all processions of volunteers to and from toddy shops and, if so, why and under what authority; and

(d) whether any toddy shops in Kuppam were burnt and, if so, by whom they were suspected by the Government to have been burnt and on what grounds?

A.—(a) As criminal cases arising out of certain incidents at Kuppam are still pending, the Government are not prepared to answer the question at present.

(b) Yes, on the 14th August 1931, on his own authority but with the approval of the District Magistrate, in the interests of the public peace.

(c) The District Superintendent of Police issued an order under section 30 (2) of the Police Act V of 1861, prohibiting processions without a licence obtained from him. It was issued because the situation in Kuppam was such that there was a danger of a breach of the peace.

(d) One toddy shop was burnt. The Government have no information as to the person or persons responsible. No charge has been laid.

Alleged obstruction to bridal processions of the Viswabrahmans in the Ongole taluk.

581 Q.—Pandit GANALA RAMAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that in some villages of the taluk of Ongole in Guntur district, caste Hindus are obstructing Viswabrahmans from enjoying the elementary rights of carrying the bridal pairs in processions in palanquins through the streets of villages at the time of marriage and other ceremonial occasions; and

(b) if the information is not available whether the Government would be pleased to call for a report from the Tahsildar and lay it on the table?

A.—(a) & (b) The Government have no information but have called for it.

[For further list of unstarred questions, please see page 524 infra.]

STARRED QUESTIONS

Local Self-Government

Superstructures built in the prohibited zone of Hospet municipality since the promulgation of the prohibitory order.

* 582 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of buildings, huts and other structures respectively that have been built in the prohibited zone of Hospet municipal limits, after the promulgation of the order barring the construction of dwelling houses thereon;

(*b*) whether it is a fact that most of the dwelling huts are built close to the Raya channel, that the owners have stored manure on the land sloping towards the channel and that the rains wash down the filth and dirt on the slopes into the Raya channel;

(*c*) whether the washermen of Hospet are using the land near the prohibited zone as a dhoby-khana and wash their dirty clothes in the channel; and

(*d*) whether there is any proposal before the Government to remove the ban on building construction and improve the sanitation of the area in question?

A.—(*a*), (*b*) & (*c*) The Government have no information, but have called for it.

(*d*) No.

Medical

Number of cases operated by the First and Second Surgeons in the Madras General Hospital.

* 583 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the number of cases that were operated on by (1) the First Surgeon, and (2) the Second Surgeon, in the Madras General Hospital during the months of January, February, March and April 1931;

(*b*) the number of cases that healed on first intention out of their respective operations; and

(*c*) the number of cases that went septic out of their respective operations?

A.—(*a*) The number of cases operated on by the First and Second Surgeons in the Government General Hospital, Madras, during the months of January, February, March and April 1931, is as follows:—

	First Surgeon.	Second Surgeon.
January 1931	141	97
February ,, ...	130	84
March ,, ...	139	92
April ,, ...	105	92

(*b*) & (*c*) Of the operations performed by the First and Second Surgeons during the months of January to March 1931, 474 cases healed by the first intention and 82 by the second. The cases referred to here are those operated on and discharged during the three months. Information about other cases and those for April 1931 are not at present available. Government do not consider it desirable to furnish information showing the result of the operations performed by each of the Surgeons separately.

Mr. V. T. ARASU :—" May I know from the hon. the Chief Minister whether it is the practice of the Surgeons of the General Hospital to leave the operations in the hands of their raw assistants?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Notice, Sir."

Mr. V. T. ARASU :—" Is the hon. the Chief Minister aware that such things are more common in the ward of the Second Surgeon than in any other wards?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" I do not know."

Mr. C. BASU DEV :—" Is not the hon. Member pursuing a personal vendetta against the Second Surgeon of the General Hospital?"

The hon. the PRESIDENT :—" That is not a supplementary question. Order, order."

Mr. V. T. ARASU :—" Will the hon. the Chief Minister be pleased to call for information on the matter, in view of the reports that sepsis and deaths are more common in the wards of the Second Surgeon than in the wards of the other Surgeons?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" I do not think it is necessary to call for papers, because there is nothing at all to show that the information of the hon. Member is correct."

Mr. K. P. RAMAN MENON :—" Is it a fact, Sir, that there is much professional jealousy against the Second Surgeon of the General Hospital?"

(No reply.)

Motor Vehicles Taxation

Measures for the relief of the burden of taxation on motor vehicles.

* 584 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Minister for Local Self-Government be pleased to state what action do the Government propose to take to lessen the burden of taxation on motor buses and taxis?

A.—The matter is engaging the attention of Government.

Agency Tracts

Introduction of new Oriya books in the elementary schools in the Agency tracts.

* 585 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether he is aware of the proposed purchase of new Oriya books for the elementary schools in the Agency of Ganjam and Vizagapatam districts during this year;

(b) whether he is aware of the fact that about a year back, new books for elementary classes and specially Sahityankura and Saralasikhya were introduced;

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(c) the reason why new books were introduced this year in spite of retrenchment;

(d) whether he has consulted private managers of elementary schools or at least the Missions, their opinion and also the financial strain such changes entail;

(e) whether all the proposed books are approved and published; and

(f) whether the respective District Educational Officers and the Director of Public Instruction were consulted before the change?

A.—(*a*) *to* (*f*) The Government have not the information. It has been called for.

Economic Condition

Closure of rubber estates in Ernad taluk and consequent unemployment.

* 586 *Q.*—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Collector of Malabar reported to Government regarding the existence of acute distress among the workers who owing to the closure of some rubber estates in Ernad taluk, in Malabar, have been placed out of employment;

(b) what action Government have taken or propose to take to alleviate distress;

(c) whether the Government will be pleased to place on the table of the House the report of the Collector of Malabar and the Board of Revenue on the matter; and

(d) whether Government are aware of similar conditions prevailing in the areas where tea estates exist?

A.—(*a*) Yes.

(b) As a result of his visit to the locality, the Commissioner of Land Revenue and Settlement recommended that the work of repairing and improving the Kalikavu-Wandur road should be put in hand so as to give work for the distressed families. The proposal was sanctioned by the Government.

(c) No. The Government do not think that any useful purpose would be served by doing so.

(d) The Government are not aware that the fact is as stated.

Mr. ABDUL HAMEED KHAN:—"May I know if the Government have formulated any policy to deal with the question of unemployment in the country?"

The hon. Mr. A. Y. G. CAMPBELL:—"As far as I know, they have not formulated any policy."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know whether the proposed Kalikavu-Wandur road will give sufficient work to the distressed people in the locality?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes; there are no reasons to indicate that it will not be sufficient."

Forest Panchayats

Powers of forest panchayats to compound forest offences.

* 587 *Q.*—Mr. M. A. Manikkavelu Nayakar: Will the hon. the Member for Revenue be pleased to state—

(*a*) how many forest panchayats in the Presidency have power to compound forest offences;

(*b*) how many forest panchayats have not the power to compound forest offences; and

(*c*) whether there is a proposal before Government to empower all the forest panchayats to compound forest offences?

A.—(*a*) 29.

(*b*) 965.

(*c*) No.

Mr. M. A. Manikkavelu Nayakar:—"May I know, with reference to the answer to clause (*b*), for what reasons certain panchayats are not empowered to compound offences?"

The hon. Mr. A. Y. G. Campbell:—"The panchayats are empowered to compound offences, only when the local officers consider that it is safe to entrust those powers to them; and that in turn depends on the manner in which those panchayats discharge their duties."

Mr. Basheer Ahmed Sayeed:—"May I know whether it is a fact that the Government are considering a proposal to abolish the Forest Panchayat Officer?"

The hon. Mr. A. Y. G. Campbell:—"Notice, Sir."

Mr. Basheer Ahmed Sayeed:—"May I know what saving they are going to effect by means of retrenchment in the Forest Panchayat department?"

The hon. Mr. A. Y. G. Campbell:—"I must ask for notice of the question. I do not know how that question arises under this question."

Irrigation

The Palar Committee.

* 588 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the hon. the Member for Revenue be pleased to state whether the information called for by the Palar Committee has been received and if so, when it is proposed to resume the work of the Committee?

A.—The information has not yet been received.

Mr. V. M. Ramaswami Mudaliyar:—"Is it proposed to resume the work of the Palar Committee in the near future, Sir?"

The hon. Mr. A. Y. G. Campbell:—"That we will consider when we get the information that has been called for."

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Mr. V. M. RAMASWAMI MUDALIYAR :—" Is it not a fact that the Palar Irrigation Committee could not come to any conclusion on the information placed before them and therefore they thought it necessary to call for further information? "

The hon. Mr. A. Y. G. CAMPBELL :—" I think it is likely. The question will be considered when the information is received."

Minor Irrigation

Supply of water to Elundrakondan Periyakulam, Srivilliputtur taluk.

* 589 *Q.*—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state whether the reports called for by the Government to interpellations 97 and 104 to 107 answered in the Council on the 5th August 1931 are now available and if so, whether the hon. Member will be pleased to place them on the table of the House?

A.—*Interpellations Nos.* 104 *to* 107.—Copies [a] of the reports received with reference to these interpellations are attached.

Interpellation No. 97.—The report has not yet been received.

Irrigation of lands east of the Telugan tank, conversion of dry lands under the Elundrakondan Periyakulam into wet, etc.

* 590 *Q.*—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to lay on the table of the House the reports promised to be called for when answering questions Nos. 104 to 107 given at the meeting of the Council held on 5th August 1931?

A.—The hon. Member is referred to the answer given to question No. 589.

Stoppage of minor irrigation works in the Anantapur district.

* 591 *Q.*—Mr. P. BAYAPPA REDDI: Will the hon. the Member for Revenue be pleased to state—

(*a*) the amount sanctioned for expenditure on minor irrigation works in the Anantapur district for the current year;

(*b*) the amount already spent;

(*c*) whether it is a fact that they have stopped all further expenditure on minor irrigation;

(*d*) if so, from what date; and

(*e*) the amount so saved by the stoppage of the works?

A.—(*a*) Rupees 65,000 for works in charge of the Revenue Department and Rs. 26,325 for works in charge of the Public Works Department.

(*b*) Rupees 15,654 up to the end of September 1931 on works in charge of the Public Works Department. The Government have no information regarding the amount spent on works in charge of the Revenue Department.

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[a] Printed as Appendix V on pages 588—591 *infra*.

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(*c*) & (*d*) The Government have issued no such orders.

(*e*) A sum of Rs. 4,350 has been surrendered from the allotment for works in charge of the Public Works Department as a measure of retrenchment. There have been no other surrenders.

Land Revenue Administration

Orders of Government on the representations made to His Excellency the Governor regarding takavi loans and wells for irrigation.

* 592 *Q.*—Mr. P. Bayappa Reddi: Will the hon. the Member for Revenue be pleased to state what orders have been passed by the Government, on the representations made to His Excellency in July last when he toured in Anantapur district, in respect of—

(1) more wells for irrigation purposes; and

(2) concession rates of interest on takavi loans and especially those taken for digging wells?

A.—The following questions were raised in the representations made to His Excellency the Governor in July 1931, when he toured in the Anantapur district:—

(1) whether money could not be advanced at a lower rate of interest for the purpose of digging wells; and

(2) whether it would be possible to make such a concession retrospective.

The Revised Loan Rules (contained in the Takavi Manual) now in force permit the grant of loans for digging wells at special rates of interest or without interest. For the grant of such a concession, special justification is required in each case. The concessions cannot be granted in any general terms.

The question whether any concession, if granted, should be made retrospective would be decided on the merits of the particular case. No specific order was issued on the above subject as the rules already contain the necessary provision.

Assessment on lands converted into 'wet' or 'garden' by the ryots' labour.

* 593 *Q.*—Mr. A. B. Shetty: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether dry lands which have been converted into wet or garden lands by the ryots in South Kanara are being reclassified now and if so, in which parts of the district, this work has so far been done;

(*b*) whether the Government propose to impose on such lands wet or garden rates of assessment;

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(*c*) whether Government are aware that the conversion of dry lands into wet or garden lands has been done by the ryots' labour and at their own expense; and

(*d*) whether it is not against the declared policy of the Government to tax ryots' improvements?

A.—(*a*) The following proposals were tentatively approved by the Government to enable the Special Settlement Officer to prepare his scheme for the South Kanara district:—

(i) that dry lands converted into wet should be reclassified at the resettlement and that appropriate rates of wet assessment should be imposed on them, and

(ii) that dry lands which have been converted into garden should be reclassified as garden.

The Government have no information as to the part of the district in which this work has been done.

(*c*) & (*d*) The Settlement Notification issued in 1902 for South Kanara expressly reserved to the Government the right to introduce at the end of the period of settlement such changes in the classification and assessment of 'wet', 'dry' and 'garden' lands as might then seem proper. The reclassification proposed is based on the same principles as those on which the classification now in force was based, and cannot in the circumstances be held to be in violation of the concession made in favour of ryots' improvements. In South Kanara, as elsewhere, the assessment has been, and will hereafter be, based on the commuted value of a share of the net produce of the land. The value of that share will obviously vary according to the capacity of the land to produce dry, wet or garden crops.

(*b*) The Government have not yet considered the matter. Owing to the present financial stringency they have directed that the resettlement of the taluks of the district in which resettlement is due before 1934–35 should be postponed to that year.

Public Service

Fall in the abkari revenue during the current year.

* 594 *Q.*—Mr. P. Bayappa Reddi: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there has been a fall in the abkari revenue during the current year; if so, by how much;

(*b*) what the deficit of abkari revenue that is anticipated during the coming year is; and

(*c*) whether there is any proposal before the Government for effecting retrenchment in the Excise department by applying 'the axe' to the posts of the Deputy Commissioners and in other directions?

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A.—(*a*) On the basis of a comparison of the actual collection during the first six months of the three previous years with the total collection in those years, the Excise revenue anticipated in the first half of 1931–32, in consideration of the revenue anticipated for the whole year, is Rs. 241·51 lakhs. The actual revenue collected is Rs. 206·49 lakhs. There is thus a fall of Rs. 35·02 lakhs.

(*b*) On the information available at present, it is anticipated that the Excise revenue in 1932–33 will be less than the revenue for 1931–32 by about Rs. 26 lakhs.

(*c*) Proposals for effecting retrenchments in the Excise Department are under consideration. There is no proposal at present to abolish the posts of Deputy Commissioners.

Mr. V. M. Ramaswami Mudaliyar:—"With reference to the answer to clause (*c*) of the question, is it not a fact that the Retrenchment Committee has recommended the abolition of four posts of Assistant Commissioners and one post of Deputy Commissioner?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"We have not yet received the recommendations of the Retrenchment Committee."

Mr. V. M. Ramaswami Mudaliyar:—"When the recommendations do come, will the Government consider the desirability of giving effect to the recommendations?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I am not a prophet to say that."

Civil Justice

Employment of ex-service men in the District Court, Tinnevelly.

* 595 *Q.*—Mr. M. Devadasan: Will the hon. the Law Member be pleased to state—

(*a*) how many ex-military men have been employed in the District Court of Tinnevelly, as clerks and copyists;

(*b*) whether G.O. No. 319, Public, dated 8th April and G.O. No. 415, dated 26th March 1930, enjoining preferential treatment of the claims of ex-military men were communicated to the District Judge, Tinnevelly;

(*c*) whether notices of the existence of vacancies have been duly published by the District Judge, Tinnevelly, in accordance with G.O. No. 415, Public, dated 26th March 1930, so as to enable ex-military men to apply for the same in time;

(*d*) whether applications were received from ex-military men by the District Judge for the vacancies in the post of clerks on Rs. 35 for the last five years;

(*e*) if so, whether the applications were dealt with in accordance with the Government Orders;

(*f*) how many of the applications were rejected; and

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(*g*) whether the Government have received any information in cases of rejection of the application in conformity with rule 2 of the said Government Order, viz., No. 415, dated 26th March 1930?

A.—(*a*) Two ex-military men are now employed, one as a clerk and the other as an examiner of copies.

(*b*) Yes.

(*c*) Vacancies of the kind referred to in G.O. No. 415, Public, dated the 26th March 1930, not having arisen since the date of issue of that order, occasion for publishing notices did not arise.

(*d*) The Government have no information.

(*e*) & (*f*) Do not arise.

(*g*) No applications have been rejected.

Criminal Justice

Public Prosecutor and Assistant Public Prosecutor of Coimbatore.

* 596 *Q.*—MR. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(*a*) when the last appointments of Public Prosecutor and Assistant Public Prosecutor for Coimbatore were made and who are the present incumbents of the offices;

(*b*) whether at the time of the said appointments the District Judge and District Collector were consulted and if so, who were recommended by them;

(*c*) whether before the Collector and the District Judge sent in their recommendations, the consent of the then incumbent was obtained for his continuing in the office for a further term as Public Prosecutor;

(*d*) why the person recommended by both these authorities was not appointed to the office of Public Prosecutorship;

(*e*) what was the standing of the ex-Public Prosecutor for Coimbatore at the bar and what is the standing of the two present incumbents; and

(*f*) for how many years did the ex-Public Prosecutor of Coimbatore hold the office as such Public Prosecutor and why was he thought not fit to hold the office for a further term?

A.—(*a*) & (*b*) M.R.Ry. K. Raghavendra Rao Avargal is now the Public Prosecutor of Coimbatore and M.R.Ry. K. G. Gopal Pillai Avargal is the Public Prosecutor in respect of cases coming before the Court of the Additional Sessions Judge, Coimbatore. They were appointed in June 1931 in consultation with the District Magistrate and District Judge and on their recommendation.

(*c*) The District Magistrate stated that the then incumbent was willing to serve for another term.

(*d*) Because he was over 60 years of age.

(*e*) The Government have no information.

(*f*) The ex-Public Prosecutor, M.R.Ry. Rao Bahadur N. Ramaswami Ayyar Avargal, held that office for four terms, viz., twelve years.

The answer to the second part of the question is because he was over 60 years of age.

Mr. BASHEER AHMED SAYEED:—"May I know whether there is a Government Order which says that a member of the bar over sixty years should not be employed as a Public Prosecutor ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Yes."

Mr. BASHEER AHMED SAYEED:—"May I know whether that applies to the mufassal as well ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It applies certainly to the mufassal, but I do not know whether it applies to the City of Madras."

Mr. BASHEER AHMED SAYEED:—"May I know why, if it applies to the mufassal, the Public Prosecutor of Tellicherry was reappointed when he was over sixty years ?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That Government Order was not brought to the attention of the authorities at that time."

Mr. BASHEER AHMED SAYEED:—"Was it not a fact that once before the predecessor of the present Law Member said that there was a Government Order and that it would be applied at the time that appointment was made."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not know."

Forests

Disafforestation in Salem district.

* 597 *Q.*—Mr. K. A. NACHIYAPPA GOUNDAR: Will the hon. the Law Member be pleased to state—

(*a*) what the reserve forests are which are now under disafforestation in Salem district; and

(*b*) what the forests are which are to be taken up for disafforestation in the near future in the same district?

A.—(*a*) *&* (*b*) The Mallapuram Reserved Forest and a portion of its extension have recently been disafforested. Proposals for the disafforestation of the remaining extent of 265 acres in the extension are awaited from the Chief Conservator. There are no proposals for the disreservation of any further areas at present.

Mr. K. A. NACHIYAPPA GOUNDER:—"To a question of mine, the answer was given that petitions have been received from the residents

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of Hosur taluk, with regard to the disafforestation of certain areas, and that they are under consideration. Will the matter be taken up in the near future?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"As soon as possible, Sir."

Courtallam waterfalls.

11-30 a.m. * 598 *Q.*—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(*a*) how many waterfalls there are in and near Courtallam (Tinnevelly district) that are used now or can be made use of by the public for bathing purposes;

(*b*) how many are reserved by the Government, for whose use and why;

(*c*) how many permits have been issued so far for (1) men, (2) women and (3) children, for the use of the Chitrani falls in Courtallam and what have been the considerations and merits that have weighed for the grant of such special privileges;

(*d*) whether any fees and conditions have been prescribed for the use of the waterfalls that are reserved, what is the sum, if any, so realized and for what purposes they have been earmarked, if any;

(*e*) what sums the Government have spent during the last five years to improve the amenity by way of easy approach to the falls, provision of safety railings and non-slip concrete paths near the waterfalls and their approaches; and

(*f*) whether the Government have under consideration any scheme for assuring the safety and ease of approach in the case of the waterfalls in Courtallam?

A.—(*a*) There are five which can be used for bathing; but the right to bathe was admitted at the time of settlement only in one which is nearest the temple, generally known as 'Courtallam waterfalls.'

(*b*) None; but, as stated above, the public have an admitted right of usage only in respect of one.

(*c*) There is no fall by the name 'Chitrani falls'. If the reference is to the Chittaruvi fall, situated behind the Forest Rest House, the answer is that no permits have been issued for bathing in it.

(*d*) The question does not arise, as no falls have been reserved by Government.

(*e*) Rupees 823-15-0 in March 1928.

(*f*) An Advisory Committee has been formed for the management of the falls with the Collector of Tinnevelly as the President. The main object of this Committee is to improve the bathing facilities and amenities of the falls. There is no scheme now under consideration by the Government for the purposes mentioned.

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Mr. V. M. Ramaswami Mudaliyar:—"May I know why the public are not allowed to bathe at the other falls and at the Chittaruvi fall ?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Because they are all in the interior of the reserve forests and damage may be done to these reserve forests if free access is given to the public, i.e., the bathers."

General

Alleged arrest of young boys at Madanapalle for collecting subscriptions to picketing.

* 599 *Q.*—Mr. C. R. Parthasarathi Ayyangar: Will the hon. the Home Member be pleased to state—

(*a*) whether several young boys were charged before the Joint Magistrate of Madanapalle about August 1931 for obtaining subscriptions for picketing;

(*b*) whether a vakil of the Madanapalle Bar was also charged before the Joint Magistrate of Madanapalle as an abettor along with them for having issued an appeal on their behalf to help them;

(*c*) whether a similar set of volunteers at Piler was charged under section 420, I.P.C., for having collected subscriptions in Piler for picketing;

(*d*) whether a local contractor of Piler was also charged under sections 109 and 420, I.P.C., for having issued an appeal on their behalf;

(*e*) whether any person complained to any of the authorities of having been cheated;

(*f*) if not, who charge-sheeted the young boys and had them remanded to custody and for what ostensible reason;

(*g*) whether the District Magistrate sanctioned the prosecution;

(*h*) whether circulars were issued to treat picketing as political offences by the District authorities or by anybody else;

(*i*) whether the cases were thrown out by the Joint Magistrate of Madanapalle in September 1931; and

(*j*) whether the Government will be pleased to give the reason why they were kept in custody by the police especially when the boys were quite young?

A.—The Government have no detailed information and have called for it.

Legislative Council

Eligibility of the Deputy President of the Legislative Council to draw daily allowance.

* 600 *Q.*—Mr. M. A. Manikkavelu Nayakar: Will the hon. the Home Member be pleased to state—

(*a*) whether Deputy Presidents of the Legislative Council in former years have been drawing daily allowance for the sittings of the Council; and

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(*b*) if the answer is in the negative, whether it is a fact that the present Deputy President has been allowed to draw daily allowance?

A.—(*a*) M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal, C.I.E., drew daily allowance for attending the meetings of the Legislative Council while he was Deputy President of the first and second Legislative Councils. Mrs. S. Muthulakshmi Reddi did not draw daily allowance while she was Deputy President.

(*b*) The present Deputy President has been permitted to draw daily allowance.

Mr. SAMI VENKATACHALAM CHETTI:—"May I know, Sir, whether the hon. the Deputy President sent up a bill for drawing an allowance ?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"The case was brought to the notice of the Government by the Secretary of the Legislative Council."

Mr. SAMI VENKATACHALAM CHETTI:—"May I know, Sir, having regard to the retrenchment that is going on, whether it is necessary that the hon. the Deputy President should be allowed daily allowance along with his pay ?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"The Government have very recently decided the question, Sir, and no further action is needed."

Mr. SAMI VENKATACHALAM CHETTI:—"May I know whether this matter is receiving the attention of the hon. the Finance Member ?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I think the hon. the Finance Member has also seen the case.

[For further list of starred questions, please see page 525 infra.]

UNSTARRED QUESTIONS

Industries

Scholarships awarded for study in the Bombay Victoria Jubilee Technical Institute.

601 *Q.*—Pandit GANALA RAMAMURTI: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) if any scholarships have been recently awarded for study in the Bombay Victoria Jubilee Technical Institute;

(*b*) if so, how many of these scholarships were granted and to what communities the scholarship-holders belong; and

(*c*) whether there are any Viswabrahmanas in that list?

A.—(a) & (b) 28, *from* 1926 *to* 1930 *both years inclusive.* The awardees are—

Non-Brahman Hindus	13
Muhammadans	3
Brahmans	7
Indian Christians	3
Depressed classes	2

No scholarships were granted this year owing to financial stringency.

(c) Not as far as could be ascertained.

Forest Panchayats

Legislation to secure legal status for forest panchayats.

602 Q.—Mr. M. A. MANIKKAVELU NAYAKAR: Will the hon. the Member for Revenue be pleased to state when the Government propose to legislate for conferring legal status on forest panchayats?

A.—The Government see no need to undertake such legislation at present.

[For further list of unstarred questions, please see page 535 infra.]

STARRED QUESTIONS

Excise

Closure of the toddy and arrack shops in Konganapuram, Salem district.

* 603 Q.—Mr. K. A. NACHIYAPPA GOUNDAR: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Commissioner of Excise has received a mahazar from the people of Konganapuram of Tiruchengode taluk of Salem district requesting the closure of the toddy and arrack shops in their place;

(b) what action the Commissioner of Excise has taken over the matter;

(c) whether the Government have received representations that the toddy shop in the said place is situated on the public local fund road, and is a hindrance and danger to the travelling public; and

(d) what action the Government propose to take in the matter?

A.—(a) to (d) A copy of a mahazar, dated 17th August 1931, addressed by the people of Konganapuram mitta to the Commissioner of Excise with an unsigned endorsement, and a letter, dated 22nd September and a telegram dated 26th September from the hon. Member on the subject of the closure of the arrack and toddy shops at Konganapuram, were received by the Government. The letter and the telegram were sent to the Commissioner of Excise. The Commissioner is being asked to report what action he took in the matter.

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Mr. BASHEER AHMED SAYEED :—" May I know, Sir, whether the Commissioner has since written to the Government as to the action he has taken ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—"No, Sir. We have called for a report. We have not received it yet."

Mr. BASHEER AHMED SAYEED :—" May I know why so much delay is caused when the people of the taluk ask for the closure of the toddy shop ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" There are other considerations also to be examined, Sir."

Mr. BASHEER AHMED SAYEED :—" What are the other considerations, Sir ? Is it not the policy of the Government that if the people want the closure of certain toddy shops, they should be closed ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Even then, a petition from a handful of people does not mean that all the people in the locality want the closure. It is a matter which requires examination."

Mr. BASHEER AHMED SAYEED :—" Is the hon. Minister aware that the Member representing the people concerned has endorsed that petition ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" That has been referred to in the answer, that there was an unsigned endorsement."

Mr. K. A. NACHIYAPPA GOUNDAR :—" May I know whether the Government is aware that the toddy shop in the said place is located on the local fund road ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Notice, Sir."

Mr. K. A. NACHIYAPPA GOUNDAR :—" May I know whether the rules permit of such location ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I must look into the rules, Sir. I want notice."

Mr. BASHEER AHMED SAYEED :—" May I know what action the hon. the Minister proposes to take with regard to the abolition of that shop ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" That depends on the report that we are awaiting."

Mr. BASHEER AHMED SAYEED :—" May I know, Sir, if the report is against the closure, the hon. the Minister will say ' Don't close it '? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" The report is not the last word, whichever it may be."

Local Self-Government

Report of the Inspector of Local Boards on the administration of the Madura Municipality.

* 604 *Q.*—Dr. P. SUBBARAYAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether he will be pleased to lay on the table the report of the Inspector of Local Boards on the administration of the Madura municipality; and

(*b*) whether the Inspector of Local Boards specifically recommended that the Council should be superseded?

A.—(*a*) The relevant extracts from the report of the Inspector have already been placed at the disposal of the Press and hon. Members would have received copies.

(*b*) No.

Mr. SAMI VENKATACHALAM CHETTI:—" May I know, Sir, if the whole report of the Inspector cannot be published? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" No, Sir."

Mr. SAMI VENKATACHALAM CHETTI:—" Is it because it is too voluminous? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" That contains certain information and recommendations which the Government consider not in the public interest to lay on the table? "

Mr. SAMI VENKATACHALAM CHETTI:—" May I know, if the Inspector of Local Boards did not specifically recommend that the Council should be superseded, what alternative suggestions he has made? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I am sorry I cannot give that information."

Mr. SAMI VENKATACHALAM CHETTI:—" Did he say anything against the supersession? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I have answered that question already, Sir."

Mahazars for proclaiming as ' prohibition areas ' certain villages in the Anantapur district.

* 605 *Q.*—Mr. P. BAYAPPA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that deputations representing the people of Tarimala and the adjoining 24 villages in Anantapur taluk, and of Peddavadugur and the adjoining 33 villages in Gooty taluk presented mahazars to him at Gooty on 8th February last when he visited the Anantapur district, praying that their villages might be declared as ' prohibition areas ' by closing all the toddy and arrack shops in their respective areas; and

(*b*) whether he went on inspection to some of the villages on that date?

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A.—(*a*) An address was presented on behalf of the District Propaganda Committee at Gooty.

(*b*) No.

Medical

Savings consequent on the appointment of honorary officers to Government hospitals.

* 606 *Q.*—Mr. Abdul Hameed Khan: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether as a result of the appointment of honorary officers to Government hospitals there has been any saving in expenditure on the department; and

(*b*) how many paid officers in the department have been replaced by honorary officers?

A.—(*a*) & (*b*) Honorary medical officers are generally appointed as supernumerary to the paid staff. One assistant surgeon has been temporarily replaced by an honorary medical officer assisted by a sub-assistant surgeon. This has resulted in a small saving to Government. Further proposals for the replacement of paid medical staff by honorary staff are under consideration by Government.

Mr. Abdul Hameed Khan:—" May I know from the hon. Minister if the Government have not found that this system of replacing paid men by honorary agency has been financially sound and beneficial? Cannot the Government therefore take the step of replacing paid officers by honorary staff to a larger extent? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" The system has been under trial and salaried officers are being replaced gradually by honorary men."

Mr. Abdul Hameed Khan:—" Have any senior salaried officers been made to retire in order to give place to these honorary surgeons? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I have no other information, Sir, except what is contained in the answer."

Mr. V. M. Ramaswami Mudaliyar:—" Is there any obstacle for the replacing of paid officers by honorary surgeons? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" As I said, Sir, the question requires consideration. The services of the salaried officers cannot be dispensed with merely because there are honorary officers available to do the work. Honorary officers are appointed as supernumerary to the paid staff; and when a suitable opportunity occurs, they will replace the paid officers. One assistant surgeon has already been replaced temporarily, and there are other proposals under consideration."

Mr. V. T. Arasu :—" From the experience that has been gained, will the hon. the Chief Minister be pleased to state whether honorary officers are not capable of running an institution by themselves without the aid of these paid men? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" They are capable, but the question is whether the salaried officers can be replaced at once by honorary men."

Mr. V. M. Ramaswami Mudaliyar :—" Is it not a fact that the Committee appointed to go into this question has favourably recommended the system of the association of honorary officers gradually? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" The report was published already and the public are aware of the recommendations."

Mr. Abdul Hameed Khan :—" May I know if this assistant surgeon has been replaced by a surgeon himself or only by an assistant? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" Notice."

Mr. V. T. Arasu :—" When honorary men are capable of running an institution by themselves without the aid of the paid men, as has been admitted by the hon. the Chief Minister, may I know whether there is any objection on the part of the Government to entirely man the institutions by honorary men? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" Honorary men can run institutions of their own; they are capable of doing so. But whether they can replace paid men in State hospitals is the question under consideration now."

Mr. Abdul Hameed Khan :—" Is not the Government anxious to retrench expenditure in that direction? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" They are."

Mr. Abdul Hameed Khan :—" If that is so, why do they not accept this policy when they find that the honorary men are capable of managing the institutions? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" The Government accept the policy. When they find really capable men to replace the salaried officers, they will certainly consider the matter."

Mr. V. T. Arasu :—" Is it the considered opinion of the hon. the Chief Minister that honorary men are not capable of running an institution with equal efficiency? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" I did not go to that extent."

Mr. V. T. Arasu :—" Then, what is the opinion of the hon. the Chief Minister? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" I have already stated it."

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Extension of the scheme of honorary service in Government medical institutions.

* 607 *Q.*—Mr. C. Basu Dev: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government contemplate any extension of the scheme of honorary service in Government medical institutions and whether they have appointed any committee to make recommendations as to the desirability of such extension;

(*b*) if so, whether the Committee has sent any recommendations and whether the Government will place them on the table of the House; and

(*c*) whether the Government have received and are still receiving complaints of indifference against the medical officers of the Government in charge of hospitals?

A.—(*a*) & (*b*) A Committee was appointed by the Government to consider the question of revising the rules relating to the appointment of honorary medical officers in Government medical institutions and to make any other recommendations concerning these honorary appointments not involving extra expenditure. The Committee has submitted its report and it has been published for general information in G.O*. No. 1705, P.H., dated 11th September 1931, placed on the table.

(*c*) No.

Termination of the services of probationary assistant surgeons as a measure of retrenchment.

* 608 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether as a measure of retrenchment the services of any probationary assistant surgeons have recently been terminated, and, if so, of how many; and

(*b*) how many assistant surgeons and District Medical officers who have put in 25 or more years of service are now under Government employment?

A.—(*a*) Yes. Thirteen of the most junior probationary assistant surgeons have been discharged.

(*b*) Ten civil assistant surgeons and eleven civil surgeons.

Khan Bahadur Mahmud Schamnad Sahib Bahadur:—" May I know, Sir, whether the hon. Minister for Local Self-Government is aware that as a matter of retrenchment the Government would have effected much larger saving by discharging the civil surgeons and assistant surgeons who have put in 25 years' service or more instead of discharging these probationers? "

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* Printed as Appendix VI on pages 591-596 infra.

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The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" I do not think that the retiring of men with 25 years' service would necessarily result in larger savings. But that question is also under consideration."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur :—" May I know, whether the Government will consider it? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" It is being examined."

Mr. BASHEER AHMED SAYEED :—" May I know, Sir, whether among the thirteen of the most junior probationary assistant surgeons that have been discharged, there are any Mussalmans? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" I do not know, I must enquire. Probably there is one."

Mr. BASHEER AHMED SAYEED :—" May I know, Sir, whether the hon. Minister considered the rule that retrenchment should not be to the detriment of the principle of communal rotation in the services? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" That is a question now under the consideration of the Government."

Mr. BASHEER AHMED SAYEED :—" May I know, Sir, whether these junior probationary assistant surgeons will be absorbed in the ten civil assistant surgeons and eleven civil surgeons who may be retired? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" That is also a question which will be considered."

Mr. T. S. RAMASWAMI AYYAR :—" May I know, Sir, whether, as and when vacancies arise in the cadre of assistant surgeons, these people will be absorbed in the service, and that they will be given the benefit of first refusal? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Yes, Sir. The suggestion will be considered."

Mr. V. T. ARASU :—" Is it not the policy of the Government to stop recruitment hereafter? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" No, Sir, not necessarily."

Religious Endowments

Number of seats allotted to the North Arcot District Temple Committee.

* 609 *Q.*—Mr. M. A. MANIKKAVELU NAYAKAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) what the number of seats allotted to the North Arcot District Temple Committee is;

(*b*) how the seats were distributed to the various taluk boards in the district to be chosen by them;

(*c*) when was the final order of Government passed on such distribution;

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(*d*) whether the said order was recently altered by increasing the number or otherwise; and

(*e*) if so, what was the necessity for the change?

A.—(*a*) Eleven seats were originally allotted.

(*b*)

Cheyyar Taluk Board	... ...	2
Polur Taluk Board	... ...	1
Ranipet Taluk Board	... ...	2
Tiruppattur Taluk Board	... ...	3
Tiruvannamalai Taluk Board	... ...	1
Vellore Taluk Board	... ...	1

(The remaining seat was allotted to the Vellore Municipal Council.)

(*c*) In June 1931.

(*d*) The order was altered in July 1931 increasing the number of seats allotted to the Tiruvannamalai Taluk Board by one.

(*e*) The principle adopted in fixing the strength of the Committee is to allot one seat for each revenue taluk or Deputy Tahsildar's division comprised in a taluk board area. On this principle an additional seat had to be allotted to the Tiruvannamalai Taluk Board as the taluk board area comprises two revenue taluks.

Mr. M. A. MANIKKAVELU NAYAKAR:—" In view of the answer to clause (*b*), may I know why three seats are allotted to the Tiruppattur Taluk Board and only one seat to the Polur Taluk Board? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Polur Taluk Board has got only one Revenue taluk within its area, whereas Tiruppattur Taluk Board comprises three Revenue taluks."

Mr. M. A. MANIKKAVELU NAYAKAR:—" May I know what those three taluks are? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Notice."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know from the hon. Minister whether elections in this area have not been completed? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Notice."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" When and how are these elections to take place? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Under the constitution."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" What is the constitution? I thought the election itself would be held under the Act. Is there going to be a separate constitution? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" The taluk boards recommend and the Government appoint the members of the committee."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the taluk boards have completed the elections in the matter of committees? "

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The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Not in all cases."

Mr. V. M. RAMASWAMI MUDALIYAR:—"I am referring to the district of North Arcot?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Notice, Sir."

Pensions

Certificate by pensioners of the non-receipt of any remuneration by them from local funds.

* 610 *Q.*—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Finance be pleased to state—

(*a*) whether the Government pensioners are at present required to append a certificate to their monthly pension bill declaring that they have not received any remuneration for serving in any capacity under a local fund;

(*b*) whether there is any necessity for this rule at present or whether it is only a relic of the past when the local funds were incorporated with the Government funds; and

(*c*) if the latter, whether there is any proposal before the Government to get the rule or the form amended?

A.—(*a*) A certificate of non-employment has to be signed to the effect that no remuneration has been received for serving in any capacity either in a Government establishment or in an establishment paid from a local fund.

(*b*) The rules in the Civil Service Regulations regarding re-employment apply to service under all local funds. The certificate referred to in clause (*a*) is necessary as long as these rules are in force.

(*c*) No.

Forest Panchayats

Expenses incurred by Forest Panchayats in connexion with the Panchayats' Conference.

* 611 *Q.*—Mr. T. S. RAMASWAMI AYYAR: With reference to the answer to question No. 122, dated the 5th August 1931, regarding expenses incurred by Paranallur and other Forest Panchayats in connexion with the Panchayats' Conference, will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Board of Revenue has passed any orders;

(*b*) if so, whether the Government will be pleased to place those orders on the table together with the reasons which made the Board to issue such orders; and

(*c*) whether the Government will be pleased to call for a report?

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A.—(*a*) & (*c*) The Government have not the information but have called for a report.

(*b*) The suggestion will be considered when the report called for is received.

Mr. T. S. Ramaswami Ayyar :—" May I know what the policy of the Government with regard to these conferences of Forest Panchayats is? Does the Government like to encourage these conferences? "

The hon. Mr. A. Y. G. Campbell :—" I do not know that we have got any special policy. If we want to have a conference of panchayats, we could call it ourselves."

Mr. T. S. Ramaswami Ayyar :—" May I know whether, if the panchayatdars themselves call for a conference, the Government does not think that it is a good thing, as they do it themselves? "

The hon. Mr. A. Y. G. Campbell :—" No, Sir."

Mr. T. S. Ramaswami Ayyar :—" May I know, Sir, if the Collectors have issued any orders prohibiting the expenditure of money of the Forest Panchayats on such conferences? "

The hon. Mr. A. Y. G. Campbell :—" We have called for a report on this subject."

Prisons

Release of Mappilla prisoners.

* 612 *Q.*—B. Pocker Sahib Bahadur: Will the hon. the Law Member be pleased to state—

(*a*) what steps the Government have taken by way of considering the question of the release of Mappillas undergoing punishment in consequence of conviction for offences connected with the Malabar Rebellion of 1921 as well as the Mappilla State prisoners confined under the Mappilla Outrages Act and State Prisoners Regulation;

(*b*) whether the Government have come to any conclusion with reference to their release; and

(*c*) what the reason is for the delay in decision?

A.—(*a*) *to* (*c*) The hon. Member is referred to the Press Communiqué, dated the 24th October 1931, a copy of which was placed on the table of the House with reference to clause (*d*) of question No. 251 answered on the 30th October 1931.

Mr. Basheer Ahmed Sayeed :—" May I know what the hon. the Law Member proposes to do with the Mappilla State prisoners? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I had made a statement with reference to that on Saturday. Their cases also are being examined. They number roughly between 190 and 200.

[For further list of starred questions, please see page 536 infra.]

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UNSTARRED QUESTIONS

Excise

Use of motor lorries for transport of toddy.

613 *Q.*—Mr. P. BAYAPPA REDDI: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the number of motor lorries used by the Abkari renters in the districts of Anantapur, Bellary, Cuddapah and Kurnool for transporting toddy from tapping areas for sale at their licensed shops;

(*b*) the number of motor lorries owned by the renters themselves and number of motor lorries hired by them for transporting toddy;

(*c*) the number of toddy shops in the Bellary district with the names of the places where they are located, which get daily supply of toddy by motor lorries from Anantapur and Kurnool districts respectively ; and

(*d*) the longest distance from which toddy is now transported by renters by motor lorries for the daily consumption of their customers ?

A.—(*a*) *to* (*d*) The Government have not the information.

Spread of the drink-evil by the use of motor lorries.

614 *Q.*—Mr. P. BAYAPPA REDDI: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the year in which motor lorries had come to play, in this Presidency, a part in transporting toddy from the tapping places to the toddy shops ;

(*b*) the income till then derived from toddy (fermented liquor) and the income derived from the same source in subsequent years up to the end of September 1931 ;

(*c*) whether there have been complaints from public bodies and others that the facilities given for transporting toddy by motor lorries to places where toddy was not available, was spreading the drink-evil;

(*d*) whether the Government have been pleased to consider such complaints ; and

(*e*) if not, whether the Government will be pleased now to consider the question of restricting the motor transport facilities they are now giving to the renters ?

A.—(*a*) The Government have not the information.

(*b*) The excise administration reports which are published annually contain information as to the revenue derived from toddy every year.

(*c*) A few district propaganda committees passed resolutions to this effect.

(*d*) Yes.

(*e*) The Government do not provide motor transport facilities for toddy renters.

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Forest Panchayats

Cost of maintenance of class IV forests.

615 *Q.*—Mr. M. A. MANIKKAVELU NAYAKAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) the total extent of the class IV minor forests, or local or ryots' forests, as they are called, in the Presidency and in the North Arcot district in particular; and

(*b*) what is the annual cost to Government of maintaining and controlling the above class of forests?

A.—(*a*) Local or ryots' forests are class III forests. The total extent of such forests is 2,179,169 acres for the whole Presidency and 176,942 acres in the North Arcot district.

(*b*) The cost during 1929–30 was Rs. 92,660.

STARRED QUESTIONS

Industries

Cashew-nut Industry in South Kanara.

* 616 *Q.*—Mr. M. S. SRESHTA: Will the hon. the Minister for Education and Excise be pleased—

(i) to give figures to show the development and present magnitude of the cashew-nut industry in South Kanara, the number of labourers to whom this industry gives occupation, the amount distributed to them as wages and the amount of foreign wealth drawn to India by the sale of cashew kernels; and to state—

(ii) (*a*) if the information is not at present available, will the Government be pleased to collect it and table it for the information of the Council;

(*b*) whether the Government have received representations to the effect that this industry is suffering a heavy handicap by reason of the imposition of import duty on cashew-nuts imported from Africa to be converted into kernels for export and that there is a risk of the transfer of the industry to Goa where no import duty is imposed;

(*c*) whether the Government are taking measures to remove this handicap; and

(*d*) if so, what measures are being taken?

A.—(i) The Indian Food Products Company of Mangalore supplied about 1,200,000 lb. of kernels of cashew-nut last year to the Franklin Banker Company of New York. It has been represented to Government that about four to five thousand labourers are engaged in this industry. The Government have no information regarding the amount distributed to them as wages or as regards the value of the cashew-nut exported from South Kanara.

(ii) (*a*) A report has been called for from the Director of Industries.

(*b*) Yes.

(*c*) & (*d*) This Government have addressed the Government of India on the subject.

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Local Self-Government

Mention in Administration Reports of works of public utility carried out by public-spirited men.

* 617 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it was the practice in the pre-reform days for the District Collectors to make mention in the Annual Administration reports of the district boards and municipalities of a list of works of public utility carried out by public-spirited persons in each district or municipality; and

(*b*) whether that practice is being continued; and if not, why not?

A.—(*a*) & (*b*) In pre-reform days presidents of district boards were making mention of works of the kind referred to in their administration reports. No such practice was observed by chairmen of municipal councils, who submitted administration reports of municipal councils. Administration reports now received do not always contain such information.

Public Service

Raising the age-limit of the members of the Depressed Classes for entry into public service.

* 618 *Q.*—Mr. P. V. Rajagopala Pillai: Will the hon. the Member for Revenue be pleased to State—

(*a*) whether the proceedings of the Madras Provincial Depressed Classes Federation, dated 29th July 1931, requesting Government to raise the age-limit of the depressed classes from 25 to 30 years for entry into Government service has been received by Government;

(*b*) if the answer to (*a*) is in the affirmative, what action has been taken thereon;

(*c*) whether the attention of the Government has been drawn to the proceedings of the Bombay Legislative Council of 3rd October 1931 increasing the age-limit to 30 years;

(*d*) if the reply to (*c*) is in the affirmative, whether the Madras Government have considered the possibility of granting a similar concession in this Presidency?

A.—(*a*) No.

(*b*) —

(*c*) The Government have seen a newspaper report of the proceedings.

(*d*) The question is under consideration.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1931-32.

GRANT XX—PUBLIC HEALTH

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Mr. President, Sir, on the recommendation of His Excellency the Governor, I move—

'*that the Government be granted a further sum not exceeding Rs. 100 under Grant XX—Public Health.*'

" Sir, the object of this demand is explained in the explanatory note circulated to the Members. In 1922 the Government sanctioned a scale of pay to the deputy inspectors of vaccination and sanitary inspectors attached to cholera parties as detailed therein. Their general scale was Rs. 60—5—120 per mensem, and there was a selection grade of Rs. 125—5—150 per mensem. Later on in 1923, as a result of the recommendations of the Retrenchment Committee, these scales were reduced and in the Government Order which the Government issued, these latter scales were applied even to those who were employed under the previous scales, and the question whether persons who were already in the higher scale could retain that higher scale under Fundamental Rule 23 was not examined, and the Government Order issued then sanctioning the lower scale applied to these men also. Various representations have subsequently been made by the officers concerned that the Government Order should be revised, but on the merits the Government did not find any need to do so. But in December 1929 objection was taken to the validity of the order itself that it contravened the provisions of Fundamental Rule 23. The question has since been examined by the Government and the Government now propose to revise the order by giving effect to that contention and also to sanction their salaries for 1930 on that basis. The expenditure that the Government will have to incur on this account is Rs. 18,000. These salaries will also entail a future expenditure of Rs. 7,800 for 1932–33, but the amount will gradually disappear as the people entitled to the higher amount go out. I therefore move this demand."

Mr. T. SUNDARA RAO NAYUDU :—" I second it."

11-45 a.m. * Mr. BASHEER AHMED SAYEED :—" Government admitted that they committed a mistake in passing an obscure order, as their statement says, and making the affected officers understand that they were not entitled to exercise an option given to them under the rules. Having admitted the mistake I want to know the *raison d'être* for saying that they will allow only from April 1930 instead of paying them the salaries which they have earned from 1923. I do not see why the Government should refrain from making good the full salaries of those affected. Why should there be a stipulation for payment only from 1930? Further, I would like to know how it was possible, in spite of the Secretariat staff, to draft a rule which deprived the option the officers had under the Fundamental Rule. If, in spite of their efficient service, they committed this mistake,

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why should the officers be made to suffer on account of their mistake? Why should you not extend to them the privilege which they are rightly entitled to from 1923?"

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Sir, it is stated in the explanatory note that there was evidently an obvious mistake in the original order. So far as the services are concerned, they knew the rules and they would have to take objection. It is open to Government now after six years to treat the officers as having waived their option. They have thought it right to give them the benefit from the date of order. The objection was taken in December 1929 and it was given effect to from 1st April 1930."

The demand was put and carried and the grant made.

GRANT XXIX—CIVIL WORKS—WORKS—RESERVED AND TRANSFERRED.

* The hon. Mr. P. T. RAJAN:—" Sir I beg to move—

'*that the Government be granted a further sum not exceeding Rs.* 100.'

" This token demand provides for payment to the contractor of the Tuberculosis Hospital, Spur tank site, consequent on the abandonment of the site. In 1928 Government proposed a scheme for the construction of a Tuberculosis Headquarter Hospital on the Spur tank site. Out of a provision of Rs. 68,000 only a very small sum was spent. In 1929–30 a sum of one lakh was provided for but was not utilized. Owing to the objection raised by the Corporation of Madras and the public of Madras, the construction had to be stopped. The contractor had put in a claim for Rs. 97,000. As a result of the compromise arrived at in consultation with the Government Solicitor it was arranged that he should be paid Rs. 48,000 in complete satisfaction as explained in the explanatory note. The sum had to be paid in September; otherwise Government would have to pay him a big sum by way of interest. This token demand is therefore for the approval of the Council. I hope the Council will be pleased to approve it."

Mr. T. SUNDARA RAO NAYUDU:—" I second it."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" Mr. President, Sir, I am not at all satisfied with the case made out for this grant. I should like to have further enlightenment on the subject before I could give my assent. The site was considered by the Government of the time and was considered a fit place. Subsequently there was some objection by the Corporation and some residents of the locality. I think Government should consider whether it is not possible to go back to the Spur tank without wasting this money. Every time there is a change in the personnel of the experts in the Medical department, there is a fresh opinion. It seems to me one expert gives one opinion and when he goes away another expert gives another opinion. If Government were to change their opinion with every change of the expert, I should not be surprised at the waste of public money involved. I would advise the Minister to examine the matter once again why money should be

wasted. I do not see any reason why the Tuberculosis Hospital should not be in the Spur tank site. As a matter of fact the Tuberculosis Institute is already there. The area of the site is about 180 acres. In the view of the Government expert, a hospital at Royapetta will not be a source of danger to the health of the people there. If that is so, why should it be a source of danger at the Spur tank? If the Government take expert opinion they may go back to the Spur tank. It is certainly a very good site and I do not think there is any danger at all. The public were confusing two things. Hospital and sanatorium were two different things. A hospital in Madras is necessary and I do not think you can find a better site anywhere in Madras. It will be a great convenience for people coming to Madras for treatment. I should think that if the Ministry were to change its opinion every time there is a change of expert in the Medical department, there would be a considerable waste of public money."

Mr. Abdul Hameed Khan:—"Sir, I should like to say that the Government have been pursuing a weak-kneed policy not on account of the pressure brought by the Corporation alone but by the agitation created by one or two members of the party to which the Minister belongs. I do not know whether the Government have examined the question and found out that they alone are responsible for the huge waste of public money. I do not know whether the Government have also examined the question that the same contractor may be asked to take the construction of the proposed hospital wherever the Government propose to construct it as early as possible. Why should the contractor expect the Government to make good the loss? Why should he not wait till a better site is secured? Why should the contractor insist on compensation? I am sure Government have negotiated with him and if he is assured that the contract of the fresh building will be given to him, he will certainly not force the Government to pay it this month. I am sure if the various details are examined, Government will come to realize that the claim must be due to the collection of the material which may be useful for some other place or to charges incurred in putting up the basement for the previous building. Further, I am sure Government have come to a decision with regard to the locality where this hospital is to be constructed. There may be an agitation that this should not be constructed in the precincts of the city limits. I do not know if that agitation is on wrong lines and whether expert opinion does not support that statement. Government should not only look to the convenience of the citizens of Madras but of the whole province. So, the proposed hospital should be located within city limits but at the same time not in a locality thickly populated. If you reconsider the question of the construction of the hospital on the Spur tank site, I am sure there will be no objection. After all, the houses near the Spur tank are not so near and I understand that expert medical opinion is not against locating the hopital in an area like the Spur tank which is very extensive. The houses are mostly far away from this place. These are points which I wish the Minister knows before he calls upon us to vote for such a large sum of money which I am afraid is a waste."

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* B. POCKER SAHIB Bahadur:—" This question involves a policy of Government which is a rather strange policy in certain matters. The question of prestige which presses them from above does not come into play here. It is admitted that after due consideration,—and Government do not decide anything without due consideration,—it was decided that the Tuberculosis Hospital should be constructed in the Spur tank. What is the reason that has made Government deviate from this decision? It is said that the Corporation and some other respectable citizens made representations. But what have the Government been doing with reference to the whole country? Have they yielded to the agitation of the whole country in matters of much greater magnitude? In this particular instance, what is it that made the Government deviate from their plan?

12 noon.

" Let us see what the state of affairs is now? The in-patient department of the Tuberculosis Hospital is situated in Royapetta in the very centre of the town, all round which are residents of all kinds. There is the Madras Club near by, a college on one side and shops and residential quarters on other sides and thus it is surrounded by people of all ranks. It is very strange that the Government now think that the Spur tank is not a fit place for locating the in-patient department of the Tuberculosis Institute. Is it, I ask, Sir, in the interests of public health, that this institution should be allowed to continue for years together in the heart of the city, in Royapetta? I do not know whether it is on expert advice that the Government are having this institution in that thickly populated and central part of the city.

" Then, as regards the question of a proper site for the location of the Tuberculosis Hospital, when the Spur tank site has once been decided upon, I do not see why the Government should have deviated from that decision. I understand that there was a proposal that the sanatorium constructed by Dr. Muthu, an expert on Tuberculosis of world-wide reputation, should be taken over by the Government. I fail to see, Sir, why the Government did not consider that proposal fully or why they have given up the plan of choosing the Spur tank site. Except the pretext that the Corporation objected to it or some other respectable citizens objected to it, the Government have not come forward with any other reasons for abandoning that site. The Government do not say even now that expert opinion is against it. If expert opinion is against it, they should consider whether it is not suitable to locate it at the Tambaram Institute on which the Government have also spent some money. It is atrocious on the part of the Government to allow the in-patient department of the Tuberculosis Institute to continue in Royapetta, the very heart of the city.

" Now, so far as this particular grant is concerned, it has been said in the explanatory note that a sum of Rs. 48,000 has been agreed upon as compensation between the Government Solicitor and the contractor. I do not know on what basis this amount was arrived at. If the Government gave the contract and then resiled from it, they might have to pay some damages. But how was this amount of compensation arrived at? Did they appoint an independent arbitrator on the matter, or

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have they ascertained the amount the contractor will be entitled to as damages if he goes to a court of law? What is the actual loss incurred by the contractor? Without going into these matters, did the Government agree to pay compensation simply because the Government Solicitor passed it and the contractor agreed to it? Is it a reason why the Government should agree to pay such a large amount of public money without a proper investigation by an independent arbitrator who could go into the matter thoroughly and who could report as to the exact position in which the Government would be put if the contractor went to a court of law? So, I say that without going into these questions, it is not proper on the part of the Government to have agreed to pay such a large sum of money."

* Mr. F. E. James:—"I only want to say two things on this question. In the first place, there appears to be no alternative to the vote we are asked to pass in this House. It appears that the contractor in question forced the Government to pay up this compensation. I do however hope that Government will not commit themselves in future to giving any other contract to this particular gentleman in question who has treated the Government in this manner in this deal.

"The other thing I wish to say is this, that it is true there is strong feeling against the establishment of this Tuberculosis Hospital on the Spur tank site. That feeling has been expressed in the Corporation, and it would be foolish of anybody to disregard the presence of that feeling. On the other hand, there is also the opinion of those who are qualified to judge on these matters that the Spur tank site is the best possible site, once you feel it is necessary to have a hospital in the city. I would point out that all the concerned interests are agreed about the necessity of a tuberculosis hospital. I am not speaking of a sanatorium which is a different thing from a hospital—being accessible to the people who use it. What I want to suggest is that Government should not close the door to a reconsideration of this matter. I understand from the statement of the hon. the Minister that the question of site for the hospital is still under consideration. When the Corporation debated this matter on the last occasion, the voting was by no means unanimous. I therefore suggest that Government call a further conference of the representatives of the Corporation, the Surgeon-General and some representatives of the public who are affected, with a view to arriving at a solution of the difficulty. I know it was argued in the Corporation that a conference had previously been held, which was infructuous, but they did not pass the resolution unanimously. That shows that there is no bar to a further conference with a view to arriving at a final settlement. I know the Surgeon-General, who at present is on leave, is only too anxious to consider the feelings of the people. Even after the debate in the Corporation that was held with reference to this question, he wished to have a further conference. I, therefore, hope that the hon. Minister will not bolt the door on any possibility of coming to a final settlement. I am one of those, and there are many others, who feel that it is possible to have a hospital

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of this kind in a place which is easily accessible from the point of view of those who desire to use it. To move it outside the city entirely would be a great mistake from a medical point of view. I suggest that there should be one more attempt to arrive at a settlement in accordance with the principles of modern science and, as far as possible, with the citizens' wishes."

* Mr. M. A. MUTHIAH CHETTIYAR:—" I rise to support the motion for this grant. The Government committed a blunder in the earlier stages by trying to locate the hospital in the Spur tank site, and I am glad they abandoned it in response to the wishes of the Corporation and the public, and it is very fair that the contractor should be compensated. The question of the location of the Tuberculosis Hospital has been a long-standing question, ten years old. The Government have been saying that the present place, Temple Gardens, is only temporary. There has been an agitation against the hospital being located within the city. Especially after hearing my hon. Friend, Mr. James, about the discussion in the Corporation on this matter, I would say that where medical opinion differs laymen's opinion should prevail. On a question like this, it is the city fathers who should decide where the hospital should be located. Sir, we are told that in Western cities they are having hospitals in the midst of populous centres. I do not think we can compare such a state of things with our cities where sanitation is not perfect. It is said that a hospital is a different thing from a sanatorium. I can agree that a Tuberculosis Institute is different from a sanatorium but I believe there is very little difference between a hospital and a sanatorium in the case of the treatment of a disease like tuberculosis. So far as tuberculosis is concerned, eminent medical men have said that patients should be isolated from each other and should be kept separate, and that they must have the hospital in a large compound. How can you secure a very large compound within the city ? If you want it, you will have to rob the people of Pursawalkam, Vepery and Egmore of the playgrounds now used by hundreds of school children. I am a resident of this place for twenty years, and I remember as a little fellow to have played games in the open spaces in Egmore. I do not want young children being deprived of that fine place for play and games. I have no objection to the Institute being continued there, but the hospital should be situated somewhere in the suburbs of Madras, and in these days of fast communications it would not be very difficult for people to reach the hospital. As a matter of fact, the Tuberculosis Hospital will be used not only by the citizens of Madras but by people from all places in the Presidency. When a patient comes from the mufassal, generally three or four relations come with him and invariably one or two of them will get the disease and thus increase the number of persons affected by tuberculosis. I do not want hundreds of persons to come into the city and pollute the health of the city. It is true that the number of persons suffering from tuberculosis in the city itself is large. I should also like that they should go out of the city to suburban places and get treated in a place like Tambaram, Guindy, Saidapet or Pallavaram which are said to be very good places by medical men for

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the treatment of this disease. I should say that so far as tuberculosis patients are concerned, they have no need to go to the hospital every day, as once they are admitted into the hospital they have to stay a month or two for treatment. Only the relations of the patient will have to go to the hospital now and then and they can travel by the electric trains easily. I do not think there can be any difficulty in choosing a place outside the Madras city. As my hon. Friend, Mr. James, suggested, the Government should not agree to any place which is opposed by the public, and I hope the hon. Minister would not agree to have it in the Spur tank or any other place in the city."

Mr. R. MADANAGOPAL NAYUDU :—" Mr. President, I have to say that this is a just demand which has been made by the Government. The Government entered into a contract for a certain building being built on the Spur tank site, and then they yielded to the agitation of the Corporation and of the citizens of this city to abandon that site. And it is a good turn they are doing to the contractor by paying him compensation. There is a strong body of opinion in the Madras Corporation that the location of this hospital within the city is a great danger to the citizens of the city. There is a great body of opinion among the Councillors of the Corporation and the residents of the localities roundabout the Spur tank against that site and the agitation against it has been very very strong. I should think, if my recollection is correct, that when Dr. T. M. Nayar was alive, he pitched upon a site somewhere near Aminjikarai."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" On a point of order, Sir, may I ask whether the hon. Member is right in referring to all those matters when the question is only payment of compensation to the contractor ? "

Mr. R. MADANAGOPAL NAYUDU :—" Sir, I am saying that this payment to the contractor is perfectly justified as the Government themselves abandoned the site, and I also feel that before they enter into a contract for a similar purpose they should definitely come to a conclusion on this matter of site. In so doing, we suggest that they should consider the objections of the citizens of Madras. I know that there are some in Madras who have no objection to the hospital being built in a locality within the city which is not congested. But I think that if the hospital is situated very near Madras, as we have now got quick methods of locomotion, it will not be difficult for the people who want to go to that hospital to reach it.

12-15 p.m.

" There is no objection on the part of the people to have an in-patient or out-patient hospital within the city, but the idea of a Tuberculosis Institute within the city is not liked by them. So, as I said, it was right that the Government gave up the idea of locating the hospital on the Spur tank site.

" It was said that there has been a mystery as to the methods by which this amount was arrived at. The note itself says that the Government Solicitor arrived at this amount after taking into consideration all the circumstances connected with this case. It was only after going

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through the various facts and figures that he arrived at this decision. It is not as if some laymen met together and arrived at the conclusion, that Rs. 48,000 and odd should be paid to the contractor. Therefore I see no reason to oppose this demand."

* Mr. YAKUB HASAN:—" Mr. President, this is the most unbusinesslike proposition that was ever placed before this Council. The whole estimate for the building of the hospital was about 7 lakhs, and here the contractor has claimed nearly one lakh. If the whole work had been done and finished, his profit might not have perhaps exceeded the Rs. 97,000 that he claims. Is it his claim that if the whole work that was given to him was executed he would have made 97 thousands but now that the contract has been cancelled he should be given that 97,000 which he would otherwise have made? If the proposition came in that form, then of course it would have to be considered in a particular way. But if he says that he had collected materials to a large extent and by selling them away he has incurred loss, that also cannot be believed; because the materials are not, as a rule, collected all at once as it would take a long time, two or three years, for the building to be completed; so it cannot be said that he lost so heavily on the resale of the materials. So, what he can claim is expenses connected with bringing the materials and making other preparations for this building. We have no details to show how this figure of Rs. 48,000 was arrived at as the amount of compensation to be given to him. To give away Rs. 48,000 for simply cancelling a contract is preposterous.

" There is also another point to be considered. If the Government had by this time decided about the site for the building and asked the contractor to shift his materials to the new site, then he would have been entitled only to the cost incurred in shifting the materials. After two years the case has come up before us; for it was in June 1929 that the contractor made the claim and in June 1931 it was decided to give away this amount of Rs. 48,000 as compensation, and now in November 1931 the Government come to us for a token demand. This is a most unbusinesslike procedure. I would ask the House to reject it and ask the Minister in charge to reconsider this proposition anew.

" In the meantime, we shall have to decide about the site. I cannot understand why the Government have taken such a long time over this question of selection of the site? If they had taken up this matter before now and taken steps to come to a decision earlier, a very large portion of this amount could have been saved by giving the contract to the same person. I do not want to go into the question of the site, because, as was pointed out, that question is not at all before us now. But since reference has been made to it, I am constrained to observe that Government have come to a hasty conclusion in deciding not to build on the Spur tank. There was some agitation, no doubt, but the strength of the agitation was exaggerated. Simply because the Corporation has passed a resolution against the proposed site, that does not mean that the Corporation does accurately represent public opinion in this case. I am not aware that there has been very strong feeling against the location of this hospital on the Spur tank. I feel that the question should be

reopened and public opinion invited on this question; and until public opinion has asserted itself and Government are in a position to decide, this matter should remain in abeyance. If it is decided to build on the Spur tank only, then there is no question of compensation. But if it is decided that it should be built elsewhere, then the same contractor may be asked to tender for it, and then some compensation may be paid to him for the loss incurred by him on account of the change of site. So, I suggest that this matter should be sent back to the Ministry for reconsideration.''

Mr. T. S. Ramaswami Ayyar:—'' Mr. President, I am in agreement with the views of my Friend, Mr. James, with regard to the two points adverted to by him. With regard to the compensation that has to be given to the contractor, I am afraid that the Government should reimburse the contractor the loss incurred, for after all the Government is like any private individual bound to honour its contract. If any damage is sustained by the contractor, it is bound to reimburse him the loss sustained. One wishes however that the amount were smaller, for one cannot understand how such a large amount as half a lakh could be given as compensation, merely because the contractor took pains to store certain materials on the site; but in any case the Government having come to the conclusion after consultation with the Government Solicitor and other responsible officers, I take it, it is not right that the Members of this House should ask the Government to go back. So far as the question of site is concerned, as my Friend, Mr. James, observed, there have been divergent opinion expressed in the debates at the Corporation meetings. There is one view that the Tuberculosis hospital should not find a place within the city itself. Another is that it should be within the city itself though not at the particular site proposed. Persons who favour the latter view have got the support of medical opinion which says that tuberculosis is not such a dreadful disease that the people suffering from it need to be isolated and treated worse than lepers. We know, Sir, equally contagious and infectious diseases are treated in our hospitals. There cannot be a greater infectious disease than enteric. We know that enteric patients are treated in the hospitals, and treated also in their own homes, and no objection is raised. But at the sight of tuberculosis patients, people are scared away and they are averse to treat them even as members of society, merely because it is a wasting disease and very difficult to cure. I think it is a most dangerous view that can be taken by the members of a society who owe a duty to each other. Formerly even cholera patients were left alone, and at one time when superstition about cholera prevailed, it used to be said that the cholera patient was left alone with a pot of water and if the person outlived the disease then the other persons would approach him. Society has progressed very much since those days, and now we realize we owe a duty to all members of the society. We know that Corporation maintains isolation hospitals, one at Tondiarpet and another at Krishnampet. The latter is in the midst of a highly congested locality. We know cholera, plague and smallpox cases are treated there. Still the Corporation looks askance at the Tuberculosis hospital, and some of the members of the Corporation expressed the opinion that a Tuberculosis hospital in the city would be

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a very dangerous thing. I submit that it is not the right view to take. If a tuberculosis patient is to be sent outside, what is to become of his relations who would like to see him often ? My Friend, Mr. Muthiah Chettiyar, referred to the fact that when once a patient gets into the hospital, he has to stay there till he is cured. I do not know whether he means, till he dies. Will there not be anxiety on the part of his relations to visit him often ? In the case of poor people, and many of the residents in Madras are really poor, is it possible for them to visit the patient if he is sent away to places outside Madras ? Much confusion has been created by this fact that a hospital is confounded with a sanatorium. It may be well to have a sanatorium somewhere in Mambalam or Tambaram or Madanapalle, but it is not for all, because all cannot go to it. An ideal sanatorium is perhaps in Switzerland. How many people can afford to go there? So, it is the duty of the Corporation to run a hospital for tuberculosis and for all diseases that afflict the people in the city. The objection seems to be to the dispensary for tuberculosis. But the dispensary is a very necessary thing. It is feared that infection may spread if such a dispensary is within the city, but in the case of a hospital, patients get in there and are taken care of, and even chances of infection are so remote because of the precautions taken by the medical authorities.

" That is the view of one of the hon. Members. At the same time, Sir, I am aware that there is a great public feeling against the location of the hospital on the Spur tank site. It is not that the hospital should not be there, but that the place should be spared for use as playground. I agree with that view; I am at one with those who think that the hospital should not be located in Spur tank. But there are other places in Madras. Why should you not select other sites ? Why should you say that ' if it is a question of Tuberculosis hospital take it away outside the city '? I cannot but think that people who suggest this believe in the saying, ' out of sight, out of mind.'

12-30 p.m.

" If you are going to have the hospital, Sir, I think the constitution of a committee or a conference of people interested in the subject would really solve the problem. Between these two schools of thought what really happens is that the thing that we want to prevent is going on. The idea at the back of their minds when people did not want to have this hospital at the Spur tank was that it should not be located in the City of Madras. The other school of thought is that it should be within the city. As between these two schools of thought, the hospital remains at Royapettah and the Government do not want to make a move but prefer to let things as they are. So it is high time that the Government take steps to consult medical men and laymen interested in the matter and come to a definite conclusion regarding the location of this hospital. The present building of the hospital in Royapettah is in a dilapidated condition. It is in a very unsatisfactory condition and therefore the problem deserves better treatment at our hands. And for that purpose, I agree with the hon. Member, Mr. James, that the formation of a conference or committee is very necessary."

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Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, I feel compelled to thank the Government for having decided to stop the construction of the Tuberculosis Hospital in Spur tank. In the first place, it is very unusual for the Government to accede to reasonable requests made by the people. In this case, whether on account of the support to this representation from influential members of the Justice party or otherwise, I am glad that the Government have lapsed into a very right conclusion.

"Sir, the Corporation and its councillors were sending representation after representation to the Government objecting to the continuance of the Tuberculosis Hospital in Temple Gardens, Royapetta. The reason for their objection was that the continuance of the Tuberculosis Hospital in a locality like that would spread that disease even among those who were not affected by it. The Government continue to turn their deaf ear to those representations and the objection therefore continues. I hope, Sir, that with the change of policy in the Government in listening to the representation of the people, they will go one step further and remove the Tuberculosis Hospital from the Temple Gardens. There is, no doubt, difference of opinion regarding the infectious nature of this disease. Whatever that may be, there is not perhaps one Indian family which has not to mourn at least for one tuberculosis patient among its members, latent or patent. Therefore, the need for a hospital not only for the city of Madras but also for the rest of the Presidency, is very keen.

"Sir, the objection raised to the location of the hospital on the Spur tank site was based on the fact that that area is congested. That same objection will hold good in any area in the city of Madras. For, I cannot conceive of any area in the city which cannot be said to be congested. The city population during the last decade has increased by 25 per cent from $5\frac{1}{4}$ lakhs. The city therefore is certainly very congested. That being the case, it is very necessary to locate the Tuberculosis Hospital outside the municipal limits of Madras. But it should not be far away from the city. Of course people who have the wherewithal to meet the expenditure, suffering from this disease, may go to Pallavaram or to Aminjikarai for a cure. The conditions obtaining in the City of Madras are not conducive to the cure of this disease. It is very necessary that these unfortunate persons in whom the germs of this wasting disease are detected, should at the earliest possible moment leave the City of Madras and they should be helped to do so both in the interests of the health of the city and in the interests of the patients themselves. The site at Aminjikarai was suggested for the location of the hospital, but it was purchased by the Corporation for locating the Infectious Diseases Hospital. The present medical opinion also seems to be against constructing the Tuberculosis Hospital at Aminjikarai. From the layman's point of view, I also agree with this view, because the surroundings in that area are anything but satisfactory for the location of the hospital. The best site therefore that I can possibly think of is some place between Saidapet, Guindy and Pallavaram. There is a vast area there and the place is accessible not only from the city but also

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from the mufassal. There is already a hospital in Thambram. I know several people are going there although the cost of living there is prohibitive and not within the reach of the middle-class people. If the Government construct a hospital there, it will confer a very great blessing to people all over the Presidency. Moreover, there is a complaint from the representatives of the mufassal that too much money is spent on the city of Madras. I do not want that the Corporation should share that blame by having the Tuberculosis Hospital in the city. Let it be outside the municipal limits by all means.

"So far as the award of damage to the contractor is concerned, I find that the figure of the award, Rs. 48,773 has frightened hon. Members. I may say, Sir, that this award works out at 7 per cent of the cost of the works contracted for. I suppose the contractor must have lost the profits he would have derived if the work had been proceeded with. In my opinion he is justly entitled to claim this percentage. Generally we do not expect large amounts being paid by the Government in such cases, but that is no reason why this should be objected to. I hope the hon. Minister while selecting a site in the locality I mentioned, will soon remove the hospital from the Temple Gardens as it is likely to spread infection in the locality."

* The hon. Diwan Bahadur B. Muniswami Nayudu :—" Sir, I am glad that there have been various views expressed in this House on the question of the site for the Tuberculosis Hospital. My friends who spoke on the subject ought to know what really happened in the year 1929 when this scheme was abandoned. There was a unanimous resolution of the Corporation of Madras and protests from various residents in the neighbourhod of the Spur Tank site for the abandonment of the proposed construction. The scheme itself was sanctioned in 1928 and in 1929 the contract was given and the work was taken up. Immediately there were certain interpellations put in this House and also a motion for adjournment of the House given notice of by Dr. Mallayya on the matter. The hon. Minister said this: 'It has been decided to construct on the Spur Tank a comprehensive building for a Tuberculosis Hospital at an early date at a cost of 6·96 lakhs and the work is about to be started.' In reply to a question whether the proposal to construct a Tuberculosis Hospital on the Spur Tank has been abandoned, put by Mr. Basheer Ahmed, one of the prominent members of the Corporation, the hon. Minister said that it has not been abandoned. The following questions also were then put and answered:—

'Mr. S. Satyamurti :—"May I know, Sir, whether the hon. Minister is aware that the Corporation passed a unanimous resolution protesting against the construction of the hospital on that site?"

The hon. Mr. S. Muthiah Mudaliyar :—"Yes."

Mr. S. Satyamurti :—"May I know what has happened to that ?"

The hon. Mr. S. Muthiah Mudaliyar :—"The matter is being looked into."

Mr. S. Satyamurti :—" Do the Government propose to go on with the work while the considertion is going on, or suspend work? "

The hon. Mr. S. Muthiah Mudaliyar :—"The work has been suspended two weeks ago and until final decision is come to, it will not be proceeded with." '

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"Now, Sir, when the Corporation passed this resolution unanimously, it was the duty of both these members who were of the Corporation to have differed from that decision of the Corporation. Having kept quiet then, it does not look well that they should now come before the Council and say that they did not want that resolution to be passed. (Mr. Basheer Ahmed Sayeed: I differed on the last resolution of the Corporation.) Differed on the last resolution, but not on the resolution of 1929. My friend, Mr. Pocker, is not tired of saying that for all and sundry the party now in power is responsible. He has been in this Council only for less than a year. I am sure he will hereafter take care to read the proceedings before he makes incorrect remarks. In 1929 we were not in office. We are not therefore responsible for what happened then. On the other hand, the Leader of the Opposition, under whose banner he is now functioning, was responsible for it.

"Sir, objection was taken to this grant on the ground that the claims of the contractor might have been met by giving him the contract for the new hospital that may be built. On that point the Government have been considering various alternatives. At one time it was decided to have it located at Aminjikarai just outside the municipal limits; but later on it was found that that was not a suitable site. Other alternatives proposed were considered. The present Surgeon-General is clearly of opinion that the construction of the Tuberculosis Hospital must be as near as possible to the General Hospital, because the hospital has to serve not only the patients but also the students reading in the college. So, he is of opinion that it must be, as far as possible, within the city limits. It was for these reasons that possible alternative sites had to be examined. When the resolution protesting against the construction of the Tuberculosis Hospital in Royapetta was before the Corporation, not one of the ten hon. Members here who are also members of the Corporation opposed it. Mr. Sami Venkatachalam Chetti wants that for all time to come no Tuberculosis Hospital should be constructed within the Madras City itself. I am glad to see at least now he recognizes that Madras has got more than its due share in the matter of expenditure as far as conveniences are concerned. Whatever may be the reason for his supporting the resolution which was sponsored and passed by the city fathers, the fact remains that it was accepted by the Government and the Government should not be blamed if they were wrong in accepting the recommendation of the Corporation.

"As regards the reason for arriving at the sum of Rs. 48,000 odd as award for the contractor, I may inform hon. Members that various proposals put forward by the contractor's counsel were examined by Government and this award was considered to be the best and the most favourable to the Government.

"Then there was the appeal by Mr. James that the question of having the hospital constructed in the Madras City should not be given up. I may say that nobody is anxious to give up such a useful institution as this. But whatever may be the ultimate decision of the Government, I think, Sir, that in the present financial circumstances,

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it will not be possible to take up the question of building a Tuberculosis Hospital costing about 7 lakhs of rupees. The sum that we have got on hand for the purpose is only Rs. $2\frac{1}{2}$ lakhs. I do hope that there will be some kind of unanimity among those who represent the town as to where it should be located."

The hon Mr. P. T. RAJAN:—" Sir, I will only deal with the portion which relates to the figures. The following are the claims put in by the contractor:— 12-45 p.m.

		RS.
Items 1 to 5 ...	Erection of thatched sheds, erection of latrines and establishment charges.	1,150
Item 6	Advance to Ubbarayas for earthwork.	500
Item 7	Penalty for $59\frac{1}{2}$ lakhs of bricks at Rs. 5 per 1,000	29,750
Item 8	Advance for 12,000 c.ft. of brick jelly at Rs. 6 per c.ft.	600

(Mr. Abdul Hameed Khan: Penalty?) Yes, because the contract was entered into between the department and the contractor and the work was proceeded with. The contractor had to advance money to several men for bringing in materials. Then, Sir,

		RS.
Item 9 ...	Damages for 31,000 c.ft. of pit jelly at Rs. 10 per 100 c.ft.	1,860
Item 10 ...	Penalty for 20,000 c.ft. of baby jelly at Rs. 10 per 100 c.ft.	2,000
Item 11 ...	Claim for casuarina posts	1,000
Compensation for loss of crops on kiln areas		500
Half the cost of materials at site		3,380
For loss of profit on Rs. 4,85,000 being value of contract at 10 per cent		48,500

Additional claims.

	RS.
Interest on security deposit at 12 per cent	1,150
Interest on the sum claimed in January 1929 at 12 per cent.	7,323
Total ...	97,713

" Of course the whole question has been gone into by the Government experts, the Chief Engineer and others. We had also the benefit of advice of the Government Solicitor who said that we might compromise the case by giving the contractor Rs. 48,000. . ."

(A voice:—Was the Advocate-General consulted?)

The hon. Mr. P. T. RAJAN:—" The Government Solicitor was consulted.

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" Sir, the payment of Rs. 48,000 was agreed to for the simple reason that by this compromise Government would be the gainer. In view of that, I do hope that the Council will approve of the payment of the above sum to the contractor."

The demand was put and carried and the grant made.

III.—A BILL TO AMEND THE MADRAS ELEMENTARY EDUCATION ACT, 1920.

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I beg to present the Report[a] of the Select Committee appointed to consider the Bill to amend the Madras Elementary Education Act, 1920 (Bill No. 24 of 1931) and move that the Bill, as amended by the Select Committee, be taken into consideration."

The hon. Mr. P. T. RAJAN :—" I second it."

The motion was put and carried.

Clauses 1 to 9 were put and carried.

Clause 10.

* The hon. the PRESIDENT :—" Let the hon. Member Mr. Nachiyappa Goundar move only the amendment to sub-cluse (2)."

Mr. K. A. NACHIYAPPA GOUNDAR :—" I beg to move the amendment that stands in my name as follows :—

' *For the proposed sub-section* (2) *of section* 47 *and the proviso thereto, substitute the following, viz.,*

(2) *No fees shall be levied from any such child at any other elementary school situated in the said area:*

Provided that the loss of fee income calculated at standard rates as prescribed shall be paid to such school by the local authority or panchayat concerned by way of compensation from its elementary education fund.'

" In moving this amendment I should like to say only a few words. In areas where compulsion is introduced the local bodies also are levying education cess and collecting the same from the poor parents. Every parent is compelled to send his children to any public school that may be situated in his locality (not necessarily a school established by the local body) and if he fails to do this, he is punishable under the Act. If there is no public school run by a local body in a place, the parent has perforce to send his children to the aided institution which is situated close by. According to the clause as it stands in the Bill, fees may be levied by aided institutions. The parents pay education cess to the local boards and in return for that they must get some benefit. If there are no schools maintained by local boards, the poor parents will have to send their children to aided institutions. In this way these poor persons are taxed in both the ways, i.e., they will have to pay education cess

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[a] Printed as Appendix VII on pages 596—602 infra.

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and also fees to the aided schools. If the aided institutions were to begin levying fees from pupils, naturally they will seek admission in schools run by local authorities. If that happens, the aided institutions will have to end their days. In such a case the local bodies will have to increase the number of schools to meet the demand and they will have to spend a good lot of money. What I propose in my amendment is that instead of spending a good lot of money over these schools, I think the question may be amicably settled by giving a little compensation to the aided managers and forcing them not to levy fees in any aided institutions. So in order to save the funds of the local bodies and in order that the benefit of compulsory education may be enjoyed by all the people and in order that all the aided institutions may also survive, I propose this amendment."

Mr. M. A. Manikkavelu Nayakar:—"I second the amendment."

* Sriman M. G. Patnaik Mahasayo:—"An important question is involved in this amendment. The point is what should be the ideal for the Corporation or the local bodies whether they should have schools started and run by them or schools aided by them. That is the most important question. If it is the idea that only schools started and run by local bodies should come into existence, and that these aided schools are only make-shifts, then I think this amendment should be rejected. But if it is thought that these aided schools can take the place of schools run by local bodies permanently, then this amendment may be accepted by the Government. I think the policy of the Government is that only schools started and run by local bodies should come into existence, gradually replacing the aided schools. If that is so, the elementary education funds cannot be utilized for giving aid to these make-shift aided schools. That is my idea. Of course, if this amendment is accepted the local bodies can easily close their schools and then have a number of aided schools and the cost of maintaining such schools will be much lower than it would otherwise be. No doubt about that. No doubt the ideal is compulsory education should be free. But can that ideal be reached now? Even the framers of the Act did not contemplate that they would be able to achieve that ideal immediately. It is therefore that they provided that in cases where they could not start schools where education could not be made free, there should be no compulsion. Here also the same thing is done. The amendment runs counter to such a proposal. There is another thing in the amendment. There is an assumption that rich pupils only gather in free schools and poor pupils in aided schools. That may not be the case. A rich parent may find to his gain to send his children to these aided schools where better attention may be had from persons who receive some remuneration for that.

"The teacher in a Corporation school who has no personal gain to look for will not take so much interest and pay so much attention. It is only human nature and it is idle to expect the teachers of the city of Madras to do otherwise. They must be really super-human beings if such a thing was to be expected from them. I therefore oppose this amendment." 1 p.m.

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Mr. SAMI VENKATACHALAM CHETTI :—" Sir, the most important provision of this Bill is that relating to the levy of fees in aided institutions. This provision has met with considerable opposition. The hon. Minister is taking a thoroughly retrograde step of going back on the long accepted policy of Government to impart free and compulsory elementary education to children in this Presidency. I am sure this Bill will be a big debit item in the record of this ministry. I am sure the House is familiar with the popular demand for a system of free and compulsory education in this country from the time of the late Mr. Gokhale and the strong reasons which have induced governments in this country to accept that principle. Those reasons—I do not want to weary the House by repeating them here—hold good now quite as much as they did at the time when the principle was accepted by the Government. But the hon. Minister here in a very light-hearted way wants to go back several years and upset the whole achievement of the Government and the public. I am sorry that in this retrograde step he is taking he wants to make the Corporation and the managers of aided schools in the city his scapegoats. The truth of the matter is this: the Government are not in a position to finance the local bodies who are willing to levy an education cess and make education free and compulsory in their areas. If the hon. Minister says so, this Council will sympathise with him and agree to suspend the Act for the time being. But on the other hand if he wants to throw the blame on the Corporation and the managers of aided institutions I must strongly protest against it.

" The object of constituting the Elementary Education Fund is to enable the local body concerned to impart free and compulsory primary education in the area of the local body. Wherever education is made compulsory, it should also be free; otherwise it would work as a great hardship on the parents of poor children, like those who come from the depressed classes. Even now in certain areas where compulsion has been introduced, the local authority has to give the midday meal to poor children, so that the poor parents may not feel the education of their children a burden. Without this inducement the local authority finds it difficult to compel the poor people to send their children to school. The hon. Minister wants to ask the aided institutions which are now serving the needs of two-thirds of the school-going children to levy fees. It is no doubt due to the agitation of the managers of these institutions in a way. They were not satisfied with the somewhat indefinite and uncertain payments of compensation by the Corporation. They wanted to be sure of their income and with that object in view they asked for permission to levy fees from their pupils. Evidently the hon. Minister thought it was a good opportunity to kill two birds at a stroke; he would be granting the request of the managers of these aided schools and at the same time he would be satisfying his colleague, the Finance Member, by seeing that the Government money in the Education Fund was not diverted for the purpose of aiding these institutions. But I am afraid both these objects will not be achieved in the way in which the hon. Minister expects.

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"The Education Fund is composed of the amount which the local authority was spending on education before the introduction of compulsion, the proceeds of the levy of the education cess and an equivalent amount contributed by Government. Out of this fund the local authority has to pay for the maintenance of not only its own schools but also for the schools run by private management. So long as the aided institutions are efficient as shown by the fact that they receive recognition year after year from the Education Department, they should be considered quite useful institutions. There is no meaning in killing aided institutions because they are only aided institutions. If a local authority runs its own school, it must be only to point out the right lines on which a school should be run and set a model for other private institutions. If aided schools are not encouraged, then private enterprise in this wide field of education will be killed and the local authority will be unable to discharge its responsibility of educating all the children in the area. It is with this end in view that the Madras Corporation allowed aided schools to continue, although in the beginning Government framed rules saying that they would be aided only for five years and later on revised the rules saying that compensation might be paid indefinitely so long as the schools continued to be efficient. What would happen if these aided schools were closed? The Corporation would be compelled to open new schools. It costs $1\frac{1}{2}$ times as much as the compensation paid to an aided school to maintain a Corporation school. It is a very uneconomical policy. I do not see why Government should object to the Corporation paying this compensation out of the Elementary Education Fund. It looks as though the Government is afraid that other local authorities, not only the Madras Corporation, will introduce compulsory education, levy the education cess and compel the Government to pay an equivalent amount. If that is the fear of the Government, let them say so openly and admit that our finances will not permit the introduction of compulsory education. Then the local authorities will withdraw their proclamations regarding compulsion. So far as the Madras Corporation is concerned, they cannot continue to impose this compulsion without at the same time making due provision for additional schools in the place of the aided schools which will be displaced now. Naturally they will have to levy more education cess or ask the Government to help them. If education cess is levied the public will ask what return they get for the cess they pay. Surely you cannot levy the education cess and still ask the parents to pay fees for their children. Unless you made education free, what is the reasonableness of your levying an education cess? If a man is able to pay for the education of his children, why should he be asked to pay not merely the fees but also the education cess for the sake of other children? That will be a double hardship upon these so-called rich people. Why should rich men be taxed not only for their luxuries but also for something else for which they are not responsible? I therefore beg of the hon. Minister not to heed the clamour of these aided school managers to permit them to levy fees. I understand that later on these managers have revised their views and come to see that after all it is far better and easier to get a cheque from Government or the local

authority than to take all the trouble of collecting fees from students and wait till the end of the month. Moreover for the last five or six years the public of Madras have been accustomed to free education and if we now introduced the levy of fees how many children would continue in school? You would also be dislocating the programme of schools managed by trusts. They have all along been relying on the compensation paid by the local authority and when that compensation is no longer forthcoming, they will have to alter their budgets accordingly. Again, there are many excellent aided schools near the Corporation schools. If the aided schools were to get no compensation and consequently had to levy fees, how would children go there when they have a free Corporation school near by? Therefore the result of this Bill will be that you will not merely be killing some inefficient aided schools (the hon. Mr. Kumaraswami Reddiyar: So much the better)—I agree so far—but you will also be obliterating from the education map of the city many efficient and well managed schools which are very well serving a real need. You will force the hands of the Madras Corporation to open new schools of their own at a much higher cost.

"I would not be surprised if the experience of the working of the Motor Vehicles Taxation Act repeats itself in a similar way with regard to this Act. I have no doubt that three months afterwards my hon. Friend, Mr. James, will come forward in this Council and ask for the repeal of the Bill, unless it be that he stands on prestige and refuses to do it. The Corporation would be put to the necessity of either withdrawing compulsion or opening more of their own schools. If we withdrew compulsion, we would be putting back the clock of progress in the matter of elementary education and cause keen disappointment to the people who have all along been expecting the Government to pursue steadfastly a programme of free and compulsory elementary education."

1-15 p.m.

* Mr. YAKUB HASAN:—"Mr. President, Sir, I am sure that the hon. Minister is as anxious as any one of us, that no obstacle should be placed in the spread of elementary education. But the present Bill is calculated to create great difficulties in the way of the spread of elementary education. Having started on the principle that elementary education should be compulsory as well as free, any departure from that principle will launch us in great difficulties indeed. I have no objection to fees being levied in certain schools where the education imparted is of better kind than what is obtained in schools that are maintained by the Corporation and by public bodies, which impart education of a most elementary kind. People who require better education would not send their children to the schools maintained by the Corporation and other public bodies.

"There should be, at the same time, other schools where better education is imparted; in that case people would be willing to pay for the education of their children in those schools. In a locality where there is no public school where free education is given but there is a private school and the latter school is availed of to provide education in that area, in that case, that school should impart education free

and no fees should be levied. If on the other hand that school is allowed to levy fees, difficulty will arise about the number of free seats that are to be provided in that school. I am sure the local authorities would be put to great difficulty in this matter. There may be need for more free seats than the school may be willing to provide. For example, suppose there is accommodation for 100 boys in a school; but the children in that area of the school-going age are more than 100 whose education is to be provided for. In that case what proportion would be fixed for free seats in that school?

" Besides, when education is to be compulsory as well as free, no boys should be asked to pay fees especially in a school where there are other boys who are not paying fees; otherwise, there would be distinction between the various boys in the school. In a free school, no boy should be asked to pay fees, though there may be boys in that school, whose parents are rich enough to pay. In a school, the distinction of some boys paying fees and other boys not paying fees, should not be made at all. If a school provides only an elementary type of education, why should the people who send their children to that school, be required to pay for the education which is not at all better than that provided in another school in that locality? There should be no fee in schools which are brought into existence or pressed into service under the provisions of this Act. But there may be schools where fees may be levied, provided there are within one mile other schools where fees are not levied. On this principle itself, I oppose this amendment to the Act. If the Council passes this Bill, it will be greatly detrimental to the spread of elementary education to the extent we want."

* Mr. V. M. Ramaswami Mudaliyar :—" Sir, I propose to move the following amendment :—

> '*Omit the following words " calculated at standard rates as prescribed " in the proviso given notice of and moved by Mr. Nachiappa Goundar.*'

" This amendment raises issues of a very fundamental nature regarding the policy that is pursued by this Government in the matter of education. I shall reserve my remarks on this point, when I come to another amendment which has been given notice of. For the present I would confine my remarks to the necessity of my amendment to that of my hon. Friend, Mr. Nachiappa Goundar. The history of the definition of the term 'standard rate' is a very antiquated one; the standard rate was prescribed years ago under the Madras Education Rules, without any relation whatsoever to the rates that were being levied by various aided schools in this presidency, and the anomaly came to the forefront when the question of payment of compensation by local authorities introducing compulsory education in the area took concrete shape. To illustrate this point, I invite the attention of the House to the fact when the Madras Corporation was faced with the question of the payment of compensation to aided schools under the Elementary Education Act, the Corporation was permitted only to pay

compensation to the extent of one and one-fifth of the standard rate. The standard rate was fixed by the Government with reference to their own schools, viz., schools under public management and not with reference to any private school. Taking that rate into consideration, the amount that the Madras Corporation was allowed to pay by the Government, was not sufficient even to meet one-fourth of the actual cost that was being incurred by aided institutions in running their schools. Thanks to the very reasonable attitude taken by the Madras Corporation, enquires were made in the matter and a responsible body like that came to the conclusion that the payment of compensation permissible under the Elementary Education Act would not meet the justice of the case and, from time to time, the Madras Corporation has been pleased to pay enhanced compensation to aided institutions. The compensation that was paid by them was sometimes four times the standard rate and at other times three times the rate. I think it is my duty, as one connected with an aided institution, to point out to the Members of this House that no private or aided institution can carry on the work of running a school if compensation is paid at the standard rate. I therefore think that my amendment is necessary, because it will be impossible to carry on the work of aided institutions at the standard rate prescribed under the Act. That is the reason why I am compelled to move this amendment to that of Mr. Nachiyappa Goundar."

Mr. V. T. Arasu seconded the amendment.

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Mr. President, Sir, if either the original amendment of my hon. Friend, Mr. Nachiyappa Goundar, or the amendment in its present amended form is accepted, I must say that that will defeat the very object with which this Bill has been introduced.

1-30 p.m.

" In the existing Act, the provision is that no school, whether it be under public management or under private management, shall levy any fees. There is also the provision that the managers of private schools shall be compensated by the local authority for the loss of income consequent upon this non-levy of fees. In the City of Madras and in a number of municipalities in the mufassal, about 25 in number, compulsion has been introduced, as a result of which no fees are to be levied in these areas in private schools, and the local authorities have to compensate the private schools. Experience has shown that the present system has been quite unworkable. It has led to a number of difficulties and also has resulted in considerable abuse. Particularly in the City of Madras have these difficulties been more marked than in the mufassal municipalities. It is as a result of what we have found by actual experience in working out these sections that the Government have felt the need for amending the existing provisions. In this respect, the Corporation and most of the private managements in the City of Madras have been pressing upon the Government that the existing provisions of the Act are unworkable and that they have to

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be amended, and it is in pursuance of the request of both these bodies of people that the present Bill has been introduced. And if, therefore, the amendment now moved is accepted, namely, that fees are not to be levied in private schools and the old system of compensation must continue, I do not see any further purpose in enacting this amending Bill at all.

"I may point out, Sir, that a statutory prohibition of the levy of fees in private schools appears to be a thing unknown in any other province in this country. Enactments similar to our Elementary Education Act are found in many of the other provinces. I have examined most of them; a prohibition is found in them against public bodies like municipalities and taluk boards levying fees in schools under their management. But there is no provision that private schools ought not to levy fees at all—not even in a compulsory area. I would say that in the larger interests of primary education in this country, it is necessary that private schools should be enabled to levy fees. If the parent of a child prepared to pay for the education of the child wants in return for the payment that he makes a better kind of education than the common free schools are prepared to give, the existing provision of the Act would not make it possible for him to get that kind of education. There is a statutory prohibition against the private manager levying any fee. If he does so in spite of the provisions of the Act, he makes himself liable to the penalties attaching to a violation of the sections of this Act. I may also say that the result of making all schools free will be to reduce the educational institutions in this country to a type-design of a very inferior sort. If you stifle private enterprise and kill all endeavours to impart a better kind of education, education on the lines that we find in the educationally advanced countries of the West, I ask my hon. Friends in this House to say if that is a thing which they ought to advocate in the interests of education in this country. Of course, if education is made compulsory in any particular area, it is necessary to provide free schools. But the principle which this Bill embodies is that private managers ought not to be prohibited from levying fees, ought not to be prohibited from running a better kind of institution than the common school which the public management is prepared to provide and where no fees are levied at all. That is the object of this Bill, Sir.

"Then, Sir, my Friend asked me whether even in compulsory areas private schools are in a position to levy fees. I said in all other enactments even where compulsion has been introduced by the local authority with the sanction of the Government, there is no such embargo on private managements against levying fees. I may also, with your leave, Sir, point out to hon. Members of this House that the object of enacting the Elementary Education Act of 1920 was not to introduce at once universal compulsory education throughout the province. If that was the object and if the provisions of that Act aimed at introducing such compulsory education throughout the province which was also free, I can certainly be charged with going back on the provisions of the Act and with having taken a retrograde

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step. But it would be clear from the Preamble to the Act itself that that was not the object of enacting this legislative provision at all. As the Preamble expressly says, the object was only to make better provision for elementary education in this province, and that this is the object is also made clearer by some of the sections in the Act itself. When a local authority makes an application to the Government to introduce compulsion in the whole or any portion of its area, the Government need not examine whether adequate free places have been provided throughout the area in which compulsion is sought to be introduced; they must be only satisfied that there is a reasonable prospect of the local authority providing an adequate number of free places; and there is also another provision which makes this position quite clear. If universal compulsion was intended by the Act—as my hon. Friends seem to think—the parent of any child who does not send his child of school-going age to a school would be liable to criminal prosecution. But that is not what it has provided for. Compulsion is not to be enforced except where there are adequate educational facilities within a mile of the residence of the child or within such other distance as the District Educational Council may fix. All these provisions, Sir, I submit, go to show that it was intended to introduce compulsion only so far as the existing state of things would permit; and not to introduce universal compulsion throughout the jurisdiction of any local authority seeking to start compulsion. So, in this view, Sir, I must say that I have not in the least made myself liable to the charge of changing in any manner the policy which has been laid down in the Elementary Education Act of 1920. Well, Sir, under the existing Act, as I said, local authorities have to compensate private schools. The local authorities have come forward and told the Government—the Corporation has said that and at least one municipality in the mufassal has said that—'we refuse to pay the compensation which the Act has prescribed' and it is not possible for the Government to enforce the payment of the compensation though the Act has provided for it, because we find that their budgets already show a deficit. When it is absolutely impossible for them to pay the compensation and when private schools are anxious that they should be continued, I ask my hon. Friends here to say what is the remedy that they would suggest. The only remedy is to restore the state of things which existed before this Act was passed. I may say, if you permit me, Sir, it was a mistake to have introduced the provision in the Act of 1920 itself, to place a permanent embargo on private schools levying fees, to compel parents, however unwilling they may be to do so, to send their children to private schools, and to provide for the payment of a compensation which—as experience has shown—is liable to abuse in many directions. The only alternative, as I said, Sir, left to the Government was to restore the *status quo ante* and that is what is sought to be done by the provisions of this Bill. The private schools can levy fees as they were doing before this Act came into force; and local authorities need not pay any compensation just as they were not bound to pay before this Act of 1920 was passed. I would

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request hon. Members to view this question not in the interests of private managements or of any other vested interests that have accrued as a result of the Act of 1920, but in the larger interests of the advancement of elementary education and the development of elementary education on healthy and proper lines in this country; and when so viewed, there is no alternative left, but to accept the provisions of the amending Bill and to reject this amendment. ''

Mr. Basheer Ahmed Sayeed:—'' Mr. President, Sir, a correct appreciation of the amendment of Mr. Nachiappa Goundar will show that the whole Bill is quite unnecessary and need not be accepted by this House at all. The present Act, as it is now working is what exactly is meant by my Friend's amendment. No fees are levied in areas where compulsion is introduced. Then, Sir, we are, under the Act, bound to pay and we are paying the local authorities and the Corporation of Madras—the statutory compensation provided in the Act. Now, the question is when once compulsion is introduced in an area, the local authority has, I think, rightly conceived it that it is its duty to provide education for all the boys of school-going age in that area. But the local authority does not find it possible to maintain the required number of schools and bear the burden of a large number of schools required for a particular area. Since they are unable to do so, they seek the aid of private institutions which are existing in the particular area and come to an agreement with them saying 'since you are not levying any fees, and on account of your not levying any fees, you are likely to incur a loss, and since you are supplementing our task of education we shall pay you a certain amount to compensate you for the loss of income'. Well, Sir, the rules made under the Act provide for only one and one-fifth for the City of Madras and one for the mufassal area. The Corporation, since it thinks it is its duty to provide educational facilities for all the boys and girls within its area, has necessarily to seek the aid of other institutions to make up the deficiency which the Corporation is not itself able to make up. The view of the Corporation is that the privately managed schools are the agencies of the Corporation in the absence of itself being able to provide for all the boys in a particular area. With regard to this, Sir, the question arose as to whether the Corporation should pay the full fee compensation out of the Elementary Education Fund or out of the general revenues of the Corporation. The contention of the Corporation is that inasmuch as they are subsidizing to the spread of elementary education, they are entitled to pay out of the Elementary Education Fund; but the Government, for reasons which have not yet been divulged, say: 'No, we cannot allow that to be paid out of the Elementary Education Fund'.

"We are yet to know, Sir, from the Finance Department and from the hon. the Minister as to what exactly are the reasons why the Corporation or the local authority is not empowered to pay out of the Elementary Education Fund the full-fee compensation. The full-fee compensation has to be paid because the private managed schools have

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lost the income which they were deriving before the introduction of compulsion in their particular area and because of the abolition of the levy of fees. The Corporation contends that the private managed schools are supplementing the activities of the Corporation in the spread of elementary education. It is only elementary education that is being imparted by these private schools instead of the Corporation. Why not then pay out of the Elementary Education Fund, for which a cess is raised and a certain proportion of the money is contributed by the Corporation while another portion is contributed by the Government? Now, Sir, if the Government were to accept the contention of the Corporation that the money that may be paid to these private aided schools is a necessary expenditure for the spread of elementary education and a legitimate expenditure, then the Government must say, 'Pay it out of the Elementary Education Fund'. But apparently, the Finance Department of the Government think differently, for in its Government Order, the Government say that any money paid out of the Elementary Education Fund is not authorized or legitimate, but any money paid out of the general revenues for this purpose would be regular and legitimate. Now, Sir, I submit the Finance Department of the Government should correct their notions and think that any sum paid to these private aided institutions, whether out of the Elementary Education Fund or out of the general revenues, is necessary and legitimate. Then, Sir, the difficulty will be set at rest. Instead of doing so, the hon. the Minister has come forward with this amending Bill. The Corporation is ready to pay the one and one-fifth statutory rate provided for under the rules (The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—It is not). It is prepared to pay; it has been paying. The Corporation is ready to pay the one and one-fifth provided for under the Act or the rules under it. But it is not able to pay the full fee income. If it is able to pay the full fee income, then the Government would say: 'If you pay it out of the general revenues, we have no objection; but if you pay it out of the Elementary Education Fund, we have objection'. I want to know how the payment to these aided institutions out of the general revenues could be considered as valid or necessary or legitimate and how if the payment is made out of the Elementary Education Fund it is invalid, unnecessary and illegitimate. That is the position which I want the hon. Minister to make clear. Now, Sir, the net result of all these difficulties comes to this, that either the private aided institutions have to satisfy themselves with receiving only one and one-fifth of the statutory rate, or these aided institutions should close; and then the Corporation will have to take up the responsibility of providing elementary education for all boys and girls in those particular areas served at present by these aided schools. Obviously the Corporation is not able to take it up at the present day and it may not be possible until the education cess is raised to meet the extra expenditure that they will have to incur in maintaining schools in order to provide further educational facilities for all the boys and girls in a particular area. Now, Sir, the amendment of my hon. Friend from Salem only points to this fact that the

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amending Bill is unnecessary and private aided institutions ought to be told that they are not entitled to get more than the statutory compensation provided for in the rules and that the Corporation or any local authority need not pay more. If the Corporation or the local authority makes up its mind, as the Corporation has already made up its mind not to pay anything more than the statutory compensation payable under the rules, then, Sir, the question becomes very simple and easily solved. Then the Government should come to the rescue of the aided institutions by allowing them to levy fees. The result is, although the Minister may not agree, that the quality of compulsion is greatly affected by the introduction of the principle of the levy of fees. How is the Corporation or the local authority going to enforce compulsion the moment you allow the levy of fees in some schools while is not able to provide the area with more schools? The poor boys cannot go to the aided institutions where fees are levied, and these poor boys will have to look up to the Corporation or the local authority for providing facilities for their education, and the Corporation or the local authority is not in a position financially to provide for all the boys, as it is bound to provide for if compulsion is to be effectively carried out. I submit the hon. Minister is thoroughly wrong when he says that the element of compulsion is not in the least affected; the whole element of compulsion is affected. Compulsion cannot be enforced if the levy of fees is to be brought into existence and if the required number of schools are not there; otherwise the compulsion will only be in name. The hon. the Minister referred to the preamble of the Act. I would invite his attention to the latter clauses which impose a penalty if the parent does not send his boy or girl of a certain age to school. Why is that provision put in there if compulsion is not to be really effective and real and if it is not to be enforced? If in the view of the hon. Minister, it is merely to be 'namke-vastey' why then do you retain these clauses? Why do you say, if certain conditions are satisfied, compulsion will be introduced and parents will be penalized for non-observance of the rule and a penalty of Rs. 50 will be levied? I think the hon. Minister should also remove those sections which penalize the parents. The net result is that the whole object of the long agitation started from the days of the late Mr. Gopala Krishna Ghokale is defeated the moment you introduce the levy of fees in areas where compulsion is introduced and particularly when it is not possible to provide for the required number of schools. I would suggest to the hon. the Minister that he should strongly impress on the private aided institutions and tell them that they should be satisfied with one and one-fifth of the statutory rate in the case of the Corporation and the single statutory rate in the case of the local authorities; the Corporation, the municipalities and local bodies should be told that they ought not to pay anything more than that. If the Corporation, the municipalities and local bodies are prepared and make up their mind and say 'No', then, Sir, the way is easy, and we do not require this Act. If the Corporation and the municipalities have to give effect to the great idea of compulsion with

a view to spread education and have to provide for such education, how else could they provide for it unless they are enabled to pay out of the Elementary Education Fund? A necessary element of compulsion, if it is to be effective, is that education should be given free, that all opportunities and facilities should be afforded so that boys and girls may get themselves educated without paying for it. Under these circumstances, if the amendment of my hon. Friend from Salem is to be accepted, then we would be going back to the position that the Corporation is well within its rights in refusing to pay the full fee compensation to private managers, who must be satisfied with accepting merely the one and one-fifth standard rate provided for under the rules made under the Act, and do not bother the Minister and the Members with this Amending Bill."

Mr. M. A. MUTHIAH CHETTIYAR :—" I move that the question be now put."

The motion was put and carried.

* The hon. the PRESIDENT :—" I will now put the amendment of Mr. Ramaswami Mudaliyar to the vote of the House. The question is—

' *that the words ' calculated at standard rates as prescribed ' be deleted from the proviso in the amendment moved by Mr. Nachiyappa Goundar.*' "

The amendment was declared lost. A poll was demanded and the House divided thus :—

Ayes.

1. Mr. V. M. Ramaswami Mudaliyar.
2. Dr. P. Subbarayan.
3. Mr. Yakub Hasan.
4. Mr. K. R. Venkatarama Ayyar.
5. Rao Bahadur T. A. Ramalingam Chettiyar.
6. Mr. Sami Venkatachalam Chetti.
7. Khan Bahadur Mahmud Schamnad Sahib Bahadur.
8. Mr. T. S. Ramaswami Ayyar.
9. B. Pocker Sahib Bahadur.
10. Mr. V. P. Narayanan Nambiyar.
11. Mr. A. B. Shetty.
12. Mr. G. Simhachalam.
13. Mr. Abdul Hameed Khan.
14. K. Ahmed Miran Sahib Bahadur.
15. Mr. K. A. Nachiyappa Goundar.
16. The Pattagar of Palayakottai.
17. Mr. U. C. Subrahmanya Bhatt.
18. Mr. K. S. Sivasubrahmanya Ayyar.
19. Rao Bahadur C. Natesa Mudaliyar.
20. Mr. V. T. Arasu.

Noes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. ,, Diwan Bahadur Sir M. Krishnan Nayar.
3. ,, Mr. A. Y. G. Campbell.
4. ,, Mr. H. G. Stokes.
5. ,, Diwan Bahadur S. Kumaraswami Reddiyar.
6. ,, Mr. P. T. Rajan.
7. The hon. Diwan Bahadur B. Muniswami Nayudu.
8. Mrs. K. Alamelumanga Thayaramma.
9. Mr. G. R. F. Tottenham.
10. Mr. J. A. Thorne.
11. Mr. H. M. Hood.
12. Mr. R. Madanagopal Nayudu.
13. Mr. S. V. Ramamurti.
14. Mr. E. Conran Smith.

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Noes—cont.

15. Mr. T. Sundara Rao Nayudu.
16. Khan Sahib Syed Tajuddin Sahib Bahadur.
17. Mr. K. C. M. Venkatachela Reddiyar.
18. Mr. M. B. Rangaswami Reddi.
19. Mr. M. Devadasan.
20. Mr. N. Siva Raj.
21. Subadar-Major S. A. Nanjappah Bahadur.
22. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
23. Mr. M. Vedachala Mudaliyar.
24. Mr. B. P. Sesha Reddi.
25. Mr. M. S. Sreshta.
26. Mr. P. V. Rajagopala Pillai.
27. Mr. V. G. Vasudeva Pillai.
28. Mr. C. Indrayya.
29. Mr. P. Bayappa Reddi.
30. Mr. T. Narasa Reddi.
31. Mr. R. M. Palat.
32. Rao Sahib V. Dharmalingam Pillai.
33. The Zamindar of Mirjapuram.
34. Mr. M. A. Muthiah Chettiyar.
35. Mr. J. A. Davis.
36. Mr. H. B. Ari Gowder.
37. Pandit Ganala Ramamurti.
38. Rao Sahib P. Subrahmanya Chetti.
39. The Zamindar of Kirlampudi.
40. Rao Sahib C. Jayaram Nayudu.
41. Mr. D. V. Narasimhaswami.
42. Rao Sahib Badeti Venkataramayya.
43. Sriman M. G. Patnaik Mahasayo.
44. Mr. W. M. Browning.
45. Mr. F. Birley.
46. Mr. R. Foulkes.
47. Mr. W. E. Winter.
48. Mr. F. E. James.
49. Mr. J. Kuppuswami.
50. Mr. C. Satyanarayana Choudari.
51. Mr. A. Ramakrishna Reddi.
52. Khan Bahadur Yahya Ali Sahib Bahadur.
53. Mr. G. Sriramulu.
54. Mr. H. M. Jagannatham.
55. Rao Sahib V. I. Muniswami Pillai.
56. Khan Bahadur T. M. Moidoo Sahib Bahadur.
57. Mr. G. R. Premayya.

Neutral.

1. Mr. P. C. Moses.
2. Mr. P. C. Muthu Chettiyar.
3. Mr. Basheer Ahmed Sayeed.
4. Mr. K. M. Duraiswami Reddiyar.
5. Mr. C. Basu Dev.

Ayes 20. *Noes* 57. *Neutral* 5.

The amendment was lost.

* The hon. the PRESIDENT:—" I will now put the amendment of Mr. Nachiyappa Goundar to the vote of the House. The question is—

> '*For the proposed sub-section* (2) *of section* 47 *and the proviso thereto, substitute the following, viz.*:—
>
> " (2) *No fees shall be levied from any such child at any other elementary school situated in the said area:*
>
> *Provided that the loss of fee income calculated at standard rates as prescribed shall be paid to such school by the local authority or panchayat concerned by way of compensation from its elementary education fund.*'

The amendment was lost.

The House then adjourned for lunch to meet again at 3 p.m.

After Lunch (3 p.m.)

* Rao Bahadur C. NATESA MUDALIYAR:—" I move—

> '*In sub-section* (2) *add the following at the end*: " *except where such area is the City of Madras or is in the City of Madras* ".'

" Sir, I am sorry I am compelled to move this amendment because I know the intention of the hon. Minister when he brought this measure. If this Bill be passed without any alteration instead of mending the Elementary Education Act it will end the compulsory education in the

city. When this Bill was sent to the Select Committee, I thought it would come out in the most acceptable form. But the most disputed clause 10 came out without any alteration, in spite of the protests made by my colleagues in the Corporation, who were on the committee. If this Bill becomes an Act compulsion will be withdrawn, rather must be withdrawn in the city. About 30,000 children are being educated in these aided schools. They are doing so at a very cheap rate to the Corporation. The Corporation is spending now about six lakhs but it will have to spend 12 lakhs hereafter. Children now reading in schools will flock to the Corporation schools. But who are the children that will be most affected? It is the depressed classes children. A number of the depressed classes children who were seeking appointments on one rupee and two rupees are going to these schools. As it at present stands they will do so till their 11th year. If this Bill is passed into law about 20,000 children of the City of Madras will go without education. Sir, if the hon. Minister had accepted the amendment that was moved this morning, it would have been at least a compromise. It was a very moderate one and as hon. Member Mr. Basheer Ahmed Sayeed said it might be a compromise which will be accepted by the Corporation. Then I would not have had the necessity to move this amendment. Now I am compelled to move this amendment. If this is not accepted there will be an end to compulsion in Madras. Sir, moreover, there is so much strong opinion against this Bill that the hon. Minister must not force it through. At a meeting of the teacher-managers held yesterday which was presided over by their representative in the District Educational Council, they protested against passing of this Bill. When the Corporation is collecting the education cess how can people pay more money as fee for these children. I agree with my Friend, Mr. Sami Venkatachalam Chetti in his protest except when he said why should rich man pay for the poor. From ancient times it has been the rich man that has been paying the poor. I am extremely thankful to my colleagues in the Corporation who are on the Council and the hon. Members representing the city for putting up such a strong fight. If the Bill is passed without any consideration for the representatives of the City of Madras, of course the hon. Minister will be responsible for the consequences. So, Sir, I have no option except to move this amendment. There are some people who ask why the Council of the Corporation did not side with me. In the Corporation we represent 1/30 of the city. Here we represent the whole city. As we do not represent the Corporation but the city we may express our independent views in safeguarding the interest of the city. There is Mr. Sami Venkatachalam Chetti representing the city, Mr. Abdul Hameed Khan representing the city, myself representing the city, and Mr. Ramaswami Ayyar representing the intelligentia not only of the city but of the whole Presidency. We are all against the Bill. As to Mr. Madanagopal and Mr. Sundara Rao Nayudu they cannot oppose the Bill. Government brings the Bill; they are part and parcel of the Government. So they are to be excused. So, Sir, I request the hon. Minister to accept the amendment and make compulsion a permanent thing in Madras."

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* Mr. V. T. Arasu:—" Mr. President, Sir, I have great pleasure in seconding the amendment moved by my Friend Dr. Natesa Mudaliyar who, I may incidentally point out, is the first and foremost citizen of Madras. Therefore I am sure that this House will take it that he is voicing the views of Madras as a whole, and refuse to accept this Bill. As has been rightly pointed out by Mr. Natesa Mudaliyar, if this Bill is passed into law it will put an end to compulsion altogether. Instead of passing such a Bill, we can as well repeal the Elementary Education Act of 1920. In Madras City and several other municipalities in the districts compulsion has not been enforced on account of the fact that there are not enough schools. It is on account of this fact that several children, as pointed out by Mr. Natesa Mudaliyar, have sought employment in some of these small and minor factories on wages ranging between one to two annas a day and these children are now going without any education. If this Bill is passed, even the children who are now in schools would abandon education, as they cannot possibly pay fees which aided schools will hereafter have to ask of them. The effects of this Bill are far reaching, and I would therefore request the hon. the third Minister to withdraw this Bill from this House or at least to accept the amendment moved by my hon. Friend Dr. Natesa Mudaliyar."

* The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Mr. President, Sir, I cannot accept this amendment. As the Mover himself pointed out the need for this amendment is felt more in the City of Madras than any other part of the Presidency. I do not think the provisions of this Bill are in any way going to really prejudice the state of things so far as the city is concerned. When there is no school within a distance of one mile compulsion cannot be enforced. I do not think there is any division in which there is no free school within one mile. I could not certainly follow my hon. Friend when he frightened the House by saying that the children of the depressed and backward classes will be turned adrift. It is a most unfounded apprehension. Concessions which under the existing rules the pupils of the depressed classes are enjoying will certainly not be affected by the amendment. Concession with regard to the midday meal is one that is given by the Corporation itself. It is not done by private schools. There is no reason why the Corporation should not continue the same concession after this Bill is passed into law. I therefore submit there is absolutely no reason why the City of Madras should be excluded. It is in this city that compulsion was first introduced: and it is here that the difficulties of the present system are felt more than in any other part of the Presidency. Therefore the sooner the present system is done away with the better for education and compulsion in the City of Madras."

Mr. Abdul Hameed Khan:—" It is really unfortunate that this Government—I must rather say this Ministry—should take upon itself the odium of having passed this very restricted measure so far as elementary education is concerned. The hon. the Minister in his former speeches on this measure tried his utmost to remove that apprehension from the minds of the Members of this House. I must admit that he

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has failed to clear the ground. Nobody who is interested in the advancement of elementary education either in the City or in the mufassal will agree with the hon. Minister or those who agree with him that this measure is going to help or advance elementary education in any area where compulsion is introduced. So far as the City is concerned it may be that the Corporation has found very many difficulties in administering this Act so far as compulsion is concerned with regard to the compensation to be paid to the teacher-managers of aided schools. The difficulty arises with regard to the rates that have to be paid. If it is possible in the metropolis for the Corporation to pay at the standard rate the Corporation would not have found any difficulty. It would have easily paid from the education fund. But in the city where things are different to what are found in the mufassal, it is impossible for any teacher-manager of an aided school to carry on his school without sufficient compensation being paid by the Corporation which has introduced compulsion. My hon. Friend, Mr. James, who is also a member of the Corporation, is of opinion that if they cannot carry on a school without sufficient compensation from the Corporation, the only alternative for them should be to close down their schools. Of course, it is very easily done. It is more easily said also. I do not know if it is really the object of the hon. Minister and whether he agrees with Mr. James that all the aided schools should be closed. Then, there must be the other alternative, that the Corporation itself which has introduced compulsion in the city should establish more schools instead of those aided schools. As to whether it will be possible for the Corporation to open more schools, Sir, facts and figures have been given in this House that if the Corporation should replace the existing aided schools by its own schools it has to incur a very high expenditure, at least to the extent of twice the amount that it will have to pay as compensation for the aided schools. (Sriman M. G. Patnaik Mahasayo: What is the basis for compensation ?) Sir, it is impossible to establish a principle. Because, we know that various amounts of money are spent in various schools. It will be possible for a teacher-manager school managed by an Indian with a teacher or two in a particular locality to run a school at a cheap cost, but certainly it is not possible for a missionary institution to conduct a school at the same rate. The amount of loss that is incurred in running a school by these various bodies varies, and therefore it is not possible to answer my hon. Friend and say that a certain rate can be established and it will be possible to pay compensation at that fixed rate. (Sriman M. G. Patnaik Mahasayo: The Act does not provide for arbitrary compensation.) Sir, in order to enable the Corporation to pay the necessary amount of compensation, in order to enable those aided teacher-managers to conduct their schools without any loss, it should have been necessary for the hon. Minister to have come forward with a Bill which could enable the Corporation to pay the compensation from its education fund. It is only when the Corporation is called upon to pay a certain amount of the compensation from its general funds that the trouble

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comes. If the Corporation is enabled to pay the entire amount that is necessary to make up the loss that is incurred by the aided manager from the education funds, that trouble will be over. But the remedy that is sought to be given to cure the disease which has been brought to the notice of the hon. Minister is certainly not a remedy but it is worse than the disease which is sought to be cured by it. The number of schools in the area of the city will be considerably decreased. All the aided managers who have been able to carry on their schools with the help of the Corporation in the shape of compensation will be compelled to close down their schools, and the result will be, as I said on a former occasion, the talk of compulsion in the city of Madras will be a farce. It will certainly be not compulsion. There would not be sufficient number of schools for all the school-going children. On the other hand, what will happen is influential people, people who have got influence with the teachers of the Corporation schools in their locality or with the Councillors of the division will find it easy to get their children admitted into Corporation schools, and they will be rich people. The people who will suffer will be the poorer people and they may not have the opportunity to get their children admitted into these Corporation schools.

"The finances of the Corporation, as the Government may be aware, are certainly not good. It is estimated that the Corporation will incur a deficit of three or four lakhs. With such depleted finances it will not be possible for the Corporation to increase the number of schools. It has already found it difficult to run the large number of schools that are existing at present with the finances at the disposal of the Corporation. The only remedy, if it is the honest intention of the Ministry to advance elementary education not only in the city of Madras but throughout the province, if it is the honest intention of the Government to see that elementary education is not muzzled, is to enable the local bodies to pay the full fee compensation from the education fund. Unless they do not, they will certainly be giving elementary education a set back, and they will be responsible for passing this retrograde measure which will certainly bring a stigma on the name of the Ministry that is in power just now."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, under section 47 of the Elementary Education Act, it was intended that this compensation for loss of fee income should be given only for such period and in such manner as may be prescribed. Well, of course, in every year it has to be taken into consideration how much loss there would be in the income of those aided schools, and the compensation should be based upon that calculation. Now, we find that from a particular year after giving notice to these aided managers this compensation is to be stopped. Where is the injustice I cannot see. It was never contemplated under the Act that these people should permanently get a second grant-in-aid beside the grant-in-aid they are getting through the District Educational Council. It was intended that only some compensation should be given and that only for such period and in such manner as may be found necessary. There is absolutely no reason why the city people should

complain of injustice when the working of the Act is according to its spirit facilitated by the amending Bill. All that this measure seeks to do is to restore the *status quo ante*. But as the Act puts an embargo on charging fees, that embargo is now being removed. I do not see what injustice is being done by this bill. If the aided schools were till now getting a very large sum, far above the standard rates, they must thank the Government as well as the Corporation for having got all that income. They cannot be paid this large sum by way of compensation for all time.

"There is a threat that these schools will be closed. But I think that these schools will never be closed as they are getting large sums of money by way of grants-in-aid. So long as they are paid the grants-in-aid and also allowed to charge fees, I do not think we are doing any injustice to them or retarding the spread of elementary education in this province."

Mr. R. MADANAGOPAL NAYUDU:—"President, Sir, I was unfortunately not here when some remarks were made about one or two of us here as muzzled though we are members of the Corporation. I for one should like to say that there is nothing in the position in which I find myself placed. Because, at the time compulsion was sought to be introduced in the city, I had expressed myself clearly that I was in favour of compulsion but not in favour of making elementary education free because the finances of the Corporation would not permit it. That is the position which I took ten years back, and that is the same position which I take to-day. Sir, it is not on account of changed circumstances in which I am placed to-day that I hold that view. Therefore, I wanted to say that I was already in favour of a position like the one in the present Bill.

"As regards the poor children who might be compelled to attend schools, I was of opinion that some sort of vocational training side by side with education in the three R's would compensate the parent who lost the earning capacity of the children whom he was compelled to send to these schools. That is always the position I hold on this matter. So, I am glad that we are coming to days when we will have compulsion, at the same time education not being free.

"Well, Sir, it has been said that a number of aided schools is likely to be closed at least in the city immediately this Bill is passed into law. I feel, Sir, that it will not be so at all, and that the schools at present functioning would in my opinion continue to function in future. My opinion is that the majority of the teacher-managers at least are anxious that we should pass this provision (Voices: Question, question). There may be one section of them who are opposed to this measure. But I have reason to feel convinced that a large majority of teacher-managers of private aided schools in the city of Madras is in favour of this measure being passed. (A Voice: Despair!) It is not a question of despair. My opinion is that they are in favour because it is much more advantageous to them if we pass this provision of law, and it will probably enable them to get more income. The sort of difficulty which Mr. Hameed Khan felt is likely to be experienced by the poor

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people is not in my opinion a good reason for going back and cancelling a provision of this kind in the Bill to charge fees. I have been a Councillor of the Corporation for three years and I have never had any occasion when I was approached by anybody for recommendation for admission into the Corporation school. Of course, a number of people who can afford to pay fees will always be willing to send their children to schools charging fees, and it is generally the children of poor people that will go to the Corporation schools, and that will not at all lead to any sort of recommendation becoming necessary for admission into these schools. Therefore, I think that the 142 schools, the Corporation is running to-day are likely to be filled by the children of poor people, and yet a number of children that can afford to pay the fees to be charged by the private managers will be found to fill the aided schools. And I do not think that much difficulty will be found by them to get boys. That is the position I wanted to make clear now, and I have been of that opinion not only to-day but for a number of years past."

The amendment was put and declared lost.

Mr. V. T. Arasu demanded a poll and the House divided thus:—

Ayes.

1. B. Pocker Sahib Bahadur.
2. Mr. Abdul Hameed Khan.
3. Mr. K. M. Duraiswami Reddiyar.
4. Mr. U. C. Subrahmanya Bhatt.
5. Rao Bahadur C. Natesa Mudaliyar.
6. Mr. V. T. Arasu.
7. Mr. H. M. Jagannatham.

Noes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. ,, Diwan Bahadur Sir M. Krishnan Nayar.
3. ,, Mr. A. Y. G. Campbell.
4. ,, Mr. H. G. Stokes.
5. ,, Diwan Bahadur S. Kumaraswami Reddiyar.
6. ,, Mr. P. T. Rajan.
7. ,, Diwan Bahadur B. Muniswami Nayudu.
8. Mrs. K. Alamelumanga Thayaramma.
9. Mr. G. R. F. Tottenham.
10. Mr. J. A. Thorne.
11. Mr. H. M. Hood.
12. Mr. R. Madanagopal Nayudu.
13. Mr. S. V. Ramamurti.
14. Mr. E. Conran Smith.
15. Mr. T. Sundara Rao Nayudu.
16. Khan Sahib Syed Tajuddin Sahib Bahadur.
17. Mr. M. B. Rangaswami Reddi.
18. Mr. M. Devadasan.
19. Mr. N. Siva Raj.
20. Subadar-Major S. A. Nanjappah Bahadur.
21. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
22. Mr. M. Vedachala Mudaliyar.
23. Mr. B. P. Sesha Reddi.
24. Mr. M. S. Sreshta.
25. Mr. P. V. Rajagopala Pillai.
26. Mr. V. G. Vasudeva Pillai.
27. The Zamindar of Kirlampudi.
28. Rao Sahib C. Jayaram Nayudu.
29. Mr. D. V. Narasimhaswami.
30. Mr. C. Indrayya.
31. Mr. P. Bayappa Reddi.
32. Mr. T. Narasa Reddi.
33. Mr. R. M. Palat.
34. Rao Sahib V. Dharmalingam Pillai.
35. Rao Sahib B. Venkataramayya.
36. Sriman M. G. Patnaik Mahasayo.
37. Pandit Ganala Ramamurti.
38. Rao Sahib P. Subrahmanya Chetti.
39. Mr. J. A. Davis.
40. The Raja of Kallikote.
41. Mr. F. G. Luker.
42. Mr. W. M. Browning.
43. Mr. F. Birley.
44. Mr. R. Foulkes.
45. Mr. W. E. Winter.
46. Mr. F. E. James.
47. Mr. J. Kuppuswami Choudari.
48. Mr. C. Satyanarayana Choudari.
49. Mr. C. Basu Dev.
50. Mr. A. Ramakrishna Reddi.
51. Khan Bahadur Yahya Ali Sahib Bahadur.
52. Mr. G. Sriramulu.
53. Rao Sahib V. I. Muniswami Pillai.
54. Mr. W. P. A. Soundara Pandiyan.
55. Mr. G. R. Premayya.
56. Mr. M. A. Muthiah Chettiyar.

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Neutral.

1. Mr. V. M. Ramaswami Mudaliyar.
2. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
3. Mr. Yakub Hasan.
4. Mr. K. R. Venkatarama Ayyar.
5. Rao Bahadur T. A. Ramalingam Chettiyar.
6. Mr. Sami Venkatachālam Chetti.
7. Khan Bahadur Mahmud Schamnad Sahib Bahadur.
8. B. Pocker Sahib Bahadur.
9. Mr. M. A. Manikkāvelu Nayakar.
10. Mr. A. B. Shetty.
11. Mr. G. Simhachalam.
12. Mr. Basheer Ahmed Sayeed.
13. Ahmed Miran Sahib Bahadur.
14. Mr. K. A. Nachiyappa Goundar.
15. The Pattagar of Palayakottai.
16. Mr. K. S. Sivasubrahmanya Ayyar.

Ayes 7. *Noes* 56. *Neutral* 16.

The amendment was lost.

* Mr. V. M. RAMASWAMI MUDALIYAR :—" I move the amendment which stands in my name, viz.—

' *Add as new sub-section* (3) *the following* :—

" *That in any case where school fees levied under sub-section* (2) *should fall short of the compensation that is now being paid to such aided school, such difference shall be made good for a period of first three years by an enhanced grant from the Government or by the local authority.*" '

" Sir, I rise to move this amendment governed by the same feelings that a man might entertain when asking for small mercies of a triumphant conqueror. At the outset I must say that this is a compromise amendment. However much my view may be different from that which has been expressed by a majority of this House, on the question whether compulsory education should be free or should not be free, I shall accept the effect that would be produced by this Bill as an inevitable evil. And it is that reason that has prompted me to come forward with this amendment, because I am aware of the special difficulties which will entail for some time at least on the aided and private institutions, not only in the city but also in the mufassal. Sir, after the very graceful compliment that has been paid by the hon. Minister in charge of Education to the contribution that private and aided institutions have made towards the expansion of elementary education in this Presidency, it is unnecessary for me to dilate on the effect this Bill would have on such aided institutions or to point out how they would be crippled from making a similar contribution in future to the cause of education. Sir, I may just invite the attention of the hon. Members of the House to the fact that not only the Corporation of Madras but also the officers of the Government have invoked the aid of private aided institutions in this city without which no complete programme of compulsory education can be undertaken and much less executed. In this connexion I would invite the attention of the hon. Members to a statement made by Mr. Statham, M.A., I.E.S., Special Officer for Elementary Education, in his report that illiteracy can be successfully removed through the aided agencies and mainly with the help of aided agencies.

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The Corporation appointed a special councillor to examine the whole question, and he states in his report 'the Corporation must of course seek the co-operation of well-conducted aided schools to secure the successful working of the compulsory scheme.' While, therefore, this is an admitted fact, that without the help of aided institutions no real progress in elementary education can be made, it seems to me very hard that even this small mercy for which we are pleading should not be extended to these institutions by the hon. Minister in charge of this portfolio. Sir, I shall briefly explain to the hon. Members the special hardships that may entail on aided institutions. I am aware that even among private aided institutions there are two sets of opinions; some schools are for the levy of fees, while others desire full fee compensation. I belong to that set of schools which has given me a mandate that if the levy of fees is an accomplished fact, it will accept that fact and make sincere efforts to work the Act. Some observation has been made by a previous speaker that inefficient schools are most clamorous for the continuance of the system of payment of fee compensation. That observation is utterly unfounded. There are no doubt some schools which honestly feel that in the present situation the system of fee levy would be absolutely unworkable. Sir, I do not want to hold a brief for those institutions which in face of competition are bound to be wiped out. But there are certain schools which represent indigenous effort, which are actuated by a spirit of public work and public service and which have stood the competition of time and have been carrying on the torch of knowledge. These institutions are placed in a position of jeopardy by reason of this Bill from which they cannot escape. I shall illustrate what I mean. There are several private aided institutions which have been doing efficient work and against which even the most unkind critic cannot raise his little finger. I represent one of such institutions, known as the Hindu Union Committee School; and perhaps this will be an example which will illustrate the proposition that I wish to bring to the notice of this House. What is the position of the school now after the starting of free compulsory education in the Madras city? Round about our institution, the Corporation has started several other institutions in which no fee is levied. The result is that in the particular locality, within a radius of less than two furlongs, there is a ring of schools. The result that would follow by reason of the levy of fees in this private aided institution, while the Corporation schools are free, would be, human tendency being what it is, that students from this school would be driven away into the Corporation schools because education there is free. There is no use of shutting our eyes to the actual psychological processes. My Friend Mr. Patnaick observed that private institutions are not going to suffer any loss by this Bill. If they are fully attended, if they get an income sufficient for the running of schools we shall be doubly glad, glad because we stand on our own legs and glad that we are not compelled to go and beg for small mercies from the Corporation and the Government. But I am afraid that is not going to be. The strength of our school would be considerably affected, and the result will be that an

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institution built up with such great effort will in the course of a few months be wiped off. That is why I have come forward with this amendment. In my amendment I have put three years, but I am prepared to accept a lesser period even. I plead that special aid should be given to private institutions of this kind by way of enhanced grant or subsidy from the local authority.

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" I am stating that during the transitory period, these institutions should receive certain extra help or enhanced grant. In doing so, Sir, it is very necessary for us to remember one other fact. Especially in the city of Madras we have embarked upon the policy of compulsory and universal elementary education. Now, Sir, it is admitted by hon. Members who are also members of the Corporation of Madras that so far as the Corporation is concerned, for some time to come, they cannot undertake any programme of expansion of elementary education. Their finances will not permit new schools being built or opened. Therefore the result of this would be that many of the private institutions being obliged to curtail their activities, the Corporation in its turn not expanding their activities, a number of school-going children will be left adrift without any school to go to. They will have no schooling. That is not the idea underlying the introduction of compulsory elementary education in the city of Madras. Now, I ask whether any serious action can be contemplated if a parent does not send his child to school, because, so far as the parent is concerned, the number of schools in the city of Madras manned by the Corporation cannot accommodate his child also. A poor parent may not be in a position to send his child even to a private aided school even if it is willing to take his boy. The result will be that, under the Act, he is liable to be punished by being asked or compelled to send his child to a school within one mile of his house. Now, I ask, has this situation been taken into consideration in attempting to make an important change of the nature proposed in the Bill ? Sir, as I was saying, a poor parent will now have to look to the Corporation schools for the education of his child. The Corporation says: We have got 134 schools now and all our schools are full and there is no room for any more. The result will be that the boy will be compelled to fall back upon private agency and the private agency will not take him unless he pays school fees. Sir, that is the position and it was not contemplated when it was decided to impart elementary education compulsorily.

" Sir, in this connexion the question arises, and it is a fundamental question, whether compulsory education should be free or should not be free. But my only object at present is, to make a special appeal to the hon. Minister, to give special help to the aided institutions during the transitory period when this Act is going to come into force. The reason why this help is necessary for a brief period has been explained in this House over and over again. One reason is that, so far as the city of Madras in concerned, we have been accustomed to free schooling

for the past five or six years and any sudden change now would upset all our calculations. The parents will find it extremely difficult to adjust themselves to the new order of things.

"In the second place, if this Act is to come into force, so far as the city of Madras concerned, it should be from the 1st January 1932. And the reason is this: The Corporation has stated that it is not going to pay any compensation from 1st January 1932, so that, aided institutions, if they have to go on at all, must levy fees from that date. Now, in the middle of the school year if a parent is suddenly asked to make provision for the payment of fees for his children, it will be extremely difficult for him to find the money. Even middle class people will find it difficult to find this money in their budgets.

"Now, Sir, there is another aspect of the question so far as the city of Madras is concerned an aspect which will cut the tangle—and it is this: why should the Government not consent to the payment of fee compensation to these aided schools from the education fund? Sir, several responsible members of the Corporation of Madras, who are also members of this House have stated that if the Corporation is *permitted* to pay compensation from its elementary education fund, they would have no objection whatsoever to that course. The hon. Minister has very cleverly evaded that question put to him, viz., why the Corporation should not be permitted to pay compensation to the aided institutions in the city from and out of this fund and why they should be compelled to pay compensation from their general revenues. In answer to this question, so far as I am aware—and I have been following the debate on this Bill rather closely—no answer has been vouchsafed to us and the House has not been taken into confidence on that point. Sir, the effect of this Bill will be that the activities of several aided institutions will be curtailed and some will be closed down.

"Sir, the suggestion has been made by some Members on the Treasury Bench and by my hon. Friend Mr. Madanagopal Nayudu that the real effect of this Bill will be that all those who can afford to pay school fee will go to the institutions which levy fees and all those who cannot afford to pay the fees will crowd into the Corporation school. There will be reduced strength in the aided schools. I do not know how this conclusion was arrived at. So far as I am concerned, I have got accurate data on that point. He knows the spirit which is actuating me to move in this matter. He knows the school to which I am referring. I sincerely desire that all schools should be placed on the same footing in the matter of affording reasonable facilities. Sir, if in order to wipe out these elementary schools this Bill has been introduced, it will have the effect of dragging along even the aided institutions. This action will be tantamount to the proverbial cutting of the nose to spite the face. My amendment makes provision only for a transitory period and it will not throw any great burden on the exchequer either of the Government or of the local authorities. With these few observations I have great pleasure in placing this motion before the House. I would appeal to

the hon. Minister to accept the amendment. I would appeal to the hon. Members also to accept this amendment in view of the work which these aided institutions have been doing in the matter of education."

Mr. V. T. Arasu :—" I second the amendment."

* Mr. Sami Venkatachalam Chetti :—" I regret, Sir, I am constrained to oppose this motion. As an argument on behalf of the aided institutions, the speech made by the hon. Member is a very excellent one and perhaps cannot be surpassed; but in its application to the local authorities concerned, it assumes a different aspect. I can understand these aided institutions being allowed to levy fees or the local authorities being enabled to pay compensation. They cannot have it both ways. The amendment enables these educational institutions to levy fees from the children attending them and also to get money to be paid to them by the local authorities. If the local authorities are in a position to pay full compensation from not out of the education fund, but out of the general revenues, there is no reason why the amendment to the Bill should be introduced at all by the hon. Minister. I should therefore oppose this amendment.

" In this connexion, Sir, it would be very important for the House to know what the hon. Mr. Davidson said when he piloted the Elementary Education Bill in the year 1920. These words of his will throw a flood of light on what our present Minister for Education has been saying. This is what Mr. Davidson said :

> 'It is conceded that aided schools are entitled to full compensation for loss of fees in consequence of the introduction of compulsion and its corollary, the abolition of fees. And the question is whether the loss, which is roughly estimated between 7 and 8 lakhs, should be made good by the Government or by the local authority. I have shown that the local authority will benefit by the special cess and the contribution from Government to the extent of some 42 lakhs; that is to say, something like five times the loss falling on the school managers. And it is probable that this multiple will be higher, since it is likely that the Government contribution will be in excess of the sum actually raised by taxation. There is one way in which the Government may perhaps satisfy those who support the amendment, that is by accepting the proposal and at the same time making a secret resolve to reduce the provincial contribution given to local authorities in excess of the statutory limit by the amount which Government would have to pay in order to compensate school managers for loss of fees.'

" Therefore the principle of free education as a corollary to compulsory education was admitted by the hon. Member Mr. Davidson and also the payment of full compensation for such fee income that was lost by these institutions. On these two important principles my hon. Friend Mr. Kumaraswami Reddiyar is going behind. The only way of frustrating this retrograde object of the hon. Minister will be to throw out this Bill without any ceremony."

* Rao Bahadur C. Natesa Mudaliyar :—" I support the amendment, Sir. It is a compromise. I request the hon. Minister to accept it. Sir, if we decide to levy fees in aided schools, all the poor boys will go away from the aided schools and crowd into the Corporation schools and the result will be that the Corporation schools might become inefficient. Then there will be a reaction. Parents will like to send their

children to a school where the teacher will be responsible for the education of the child. Aided schools might once more flourish. This amendment wants provision for help during the interval. Otherwise aided schools may vanish. I would request the hon. Minister to accept the amendment and save all the compulsory educational agencies in the city and in the mufassal from being wiped off once for all.

"As my hon. Friend, Mr. Sami Venkatachalam Chettiyar said, many veteran gentlemen such as Sir Lionel Davidson and also Mr. Statham were enthusiastic supporters of the cause of free and compulsory education. Is it the policy of the hon. Minister to give a go-bye to all the solemn promises that he gave in favour of free and compulsory education? Moreover, if this Bill is passed all the rich people will be completely separated from the poor. It may affect the depressed classes. The depressed classes will not only go without any education, they will be completely separated from the richer folks and the separation of the rich from the poor is not conducive to the healthy growth of the nation. Even in ancient days the King's son and the village children were educated together in a Rishi's Asramam. I therefore request the hon. the Minister for Education to come to our rescue and save the city and this Presidency. Let him not stand on prestige. My hon. Friend Mr. Madanagopal Nayudu said he was against free and compulsory education from the beginning. When the scheme of compulsory education was contemplated the whole Corporation plunged into it. Where it was hesitating to spend one or two lakhs, it is now spending 8 lakhs of rupees. If the hon. Minister is not willing to concede this much the Corporation will have to spend about 12 lakhs of rupees out of about 60 lakhs of revenue. I finally appeal to the hon. Minister to come to the rescue of the city by accepting this amendment. This is the last straw which the drowning people are trying to catch at. I once more appeal to the Minister to accept the amendment and save the city and the Presidency." 4 p.m.

* The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I must say that I am strongly opposed to any amendment which will impose as its effect a statutory obligation on any local body to pay compensation. If my hon. Friend Dr. Natesa Mudaliyar had made his eloquent appeal to the Corporation instead of to the Government, I think it would have been more appropriate."

Rao Bahadur C. Natesa Mudaliyar:—"You are misrepresenting the whole thing. . ."

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"The Corporation has definitely passed a resolution whether from out of the elementary education fund or from their general revenues, they are not prepared to pay a pie to these private schools. To-day their Elementary Education Fund shows a deficit of many thousands of rupees. I do not know how the Legislature will be justified in imposing upon the Corporation or any other local bodies a statutory obligation to pay any compensation to schools. I cannot as a Member of the Government nor can the hon. the Chief Minister as the Minister in charge of Local

Self-Government undertake to enforce this obligation if the local authorities are unwilling. My hon. Friend Mr. Sami Venkatachalam Chetti when he put forward his case asked us to look at the question from the private manager's point of view. I beg this House not to look at the question from the narrow point of view of private managers. I am constrained to observe that some at least who spoke on this motion looked at the question from that narrow point of view and not from the point of view of the local bodies, and whether the local bodies are able to pay any compensation from out of their funds. These are questions which should be considered. In the existing state of things I am bound to say that it is impossible to enforce any obligation that may be imposed on local bodies to pay any compensation to schools. For that reason I am bound to oppose. If my hon. Colleagues of this Council who are also Members of the Corporation had made an appeal to the Corporation to make provision for giving compensation to the teacher-managers and other schools and succeeded, I would not have stood in their way; but now when the Corporation have declined to do so and have also communicated a copy of their resolution to the Government, I cannot see how I can accept any provision in this Bill compelling the Corporation to make a payment beyond their means."

The amendment was put to vote and lost.

Clause 10 was put and carried.

Clauses 11 and 12 were put and carried.

Clause 13 was put and carried.

The Schedule was put and carried.

The Preamble was put and carried.

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I beg to move—

'*that the Bill be now passed into law.*'

"In moving this motion, I wish just to say a word or two. I must say that I do not share with several hon. Members of this House the feeling that this is a retrograde measure. If I had the slightest apprehension that this measure will in any manner arrest the progress which elementary education in this Province would otherwise have made under the existing Act, I should certainly not have piloted this Bill at all. I must say on the other hand that this measure will help the spread of elementary education and will facilitate the introduction of compulsion in areas where under the present Act difficulties are being experienced in regard to introduction of compulsion. From what I gather, what has stood in the way of several mufassal municipalities intending to introduce compulsion is the fear that the compensation that they would be called upon to pay to private schools under the provisions of this Act would be such a heavy drain upon the poor resources of the local bodies that they could not possibly undertake the introduction of compulsion in their areas. When that liability to pay compensation is removed by enabling

private schools to levy fees, the local bodies and municipalities in the mufassal areas will be in a better position to introduce compulsion in their respective jurisdiction. I am supported in this view by several of the hon. Members who are connected with district boards and municipalities. They have all told me not only privately but in the course of the discussion of the Bill in the Select Committee and at earlier stages that this Bill will help the introduction of compulsory elementary education. So I may, in reply to those hon. Members who have expressed the view that this is a retrograde step, say that this step, instead of retarding the progress will help the spread of elementary education in this Province, and will facilitate the introduction of compulsory elementary education in some of the mufassal areas. So far as the city is concerned, I have not the slightest hesitation in saying that the better kind of private schools will continue to exist and will even prosper under the provisions of the amended Act. There is no fear whatever that they will disappear. Of course inefficient schools as Mr. Chettiyar observed may go out of existence. That is a matter for which we need not feel, in the least, sorry. For these reasons I beg to move that this Bill be passed into law."

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I second it."

* The hon. the PRESIDENT:—" The motion is that the Bill be passed into law."

* Mr. V. T. ARASU:—" Mr. President, Sir, I feel constrained to oppose the motion made by the hon. the Minister, for, I am positively certain that this Bill, if passed into law, is virtually going to put an end to compulsory education. The hon. the Minister in moving the motion said, with reference to the city of Madras, that this Bill is going to help the spread of elementary education. I can inform the hon. the Minister, Sir, that he is entirely wrong in thinking so. I may even go further and say—for I have some claim to speak on behalf of the citizens of Madras—that the citizens of Madras without any exception feel that this Bill is going to kill elementary education in the city."

Mr. F. E. JAMES:—" You are a nominated Member? "

Mr. V. T. ARASU:—" My hon. Friend, Mr. James, reminds me that I am a nominated Member. Under ordinary circumstances I should not have cared to answer that question. But since it has given me an opportunity to explain my position in regard to this Bill, I would inform Mr. James that the city of Madras would stand by me at all times. I would even go further and say that, if he has any doubts about that, I am prepared to demonstrate the same to his satisfaction. All that Mr. James, who is the un-official spokesman of the Ministers, has to do is to persuade one of his friends who at present happen to represent Madras, and who are sitting opposite to me, to resign his membership of the Council. In that case I am prepared to resign too and contest the seat. Mr. James will then come to know whether I have any claim to speak on behalf of the citizens of Madras, or not.

[Mr. V. T. Arasu] [3rd November 1931

" Sir, coming to the Bill before the House, I was saying how it is going to adversely affect compulsory elementary education in the city of Madras. Mr. President, I have been a member of the Attendance Committee of the 24th Municipal Division of Madras, and for some time its president too; and in that capacity I have had opportunities of working compulsory elementary education. From the experience gained in that capacity, I may inform this House that even when education was free we were not able to drive all the children of school-going age into the schools. Now, Sir, when fees are going to be levied, how can we expect the poor parent not only to forego the one or two annas which the boy would earn if he entered a workshop, but also pay out of his small earning a fee of about eight annas a month for the education of the boy? My Friend, Mr. Madanagopal Nayudu, said that the poor boys would go into the Corporation schools and the richer ones into the private schools. Sir, it is impossible to think of such a position as long as human nature remains what it is. Every one, whether of the middle or the poor class, would prefer to send his child to the free school. Therefore, what is going to happen if this Bill is passed into law is this: All the children who are now reading in aided schools would leave those schools, and flock to the Corporation schools. It has been repeatedly pointed out on the floor of this House that there are only 140 Corporation schools, and that the maximum number that can be admitted into these schools is about 30,000. The total number of children of school-going age has been stated to be about 60,000. If these aided schools go out of existence—I am sure they will—where are these 30,000 children who are now in those schools to go ? They will go without any education. And that would mean that compulsion has been put an end to. When that is going to be the result, why not take the more straightforward course of repealing the Act of 1920, and say that there is no compulsion ?

4-15 p.m. " For these reasons, Sir, I oppose the motion of the hon. the Minister for Education."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Sir, I have carefully listened to the various reasons advanced by the hon. Minister for Education for hoping that this measure would quicken the spread of elementary education in the Presidency, but I am not convinced that it would be so. This Bill is nothing but driving the thin end of the wedge in an attempt to deprive the depressed classes of the various facilities they have been enjoying under local boards and Government in the matter of educating their children. Hitherto the aided agencies have been getting some aid from the local boards and if that aid was stopped now they would naturally begin to levy fees. Once they begin to levy fees, the spread of mass education will be severely checked. From the point of view of the spread of education among the poor and the depressed classes, this measure is most unwelcome. I therefore oppose the Bill."

* The hon. the PRESIDENT:—" The question is—

'*that the Bill be passed into law.*' "

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The motion was declared carried. A poll was demanded and the House divided thus:—

Ayes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. ,, Diwan Bahadur Sir M. Krishnan Nayar.
3. ,, Mr. A. Y. G. Campbell.
4. ,, Mr. H. G. Stokes.
5. ,, Diwan Bahadur S. Kumaraswami Reddiyar.
6. ,, Mr. P. T. Rajan.
7. ,, Diwan Bahadur B. Muniswami Nayudu.
8. Mrs. K. Alamelumanga Thayaramma.
9. Mr. G. R. F. Tottenham.
10. Mr. J. A. Thorne.
11. Mr. H. M. Hood.
12. Mr. R. Madanagopal Nayudu.
13. Mr. S. V. Ramamurti.
14. Mr. E. Conran Smith.
15. Mr. T. Sundararao Nayudu.
16. Khan Sahib Syed Tajuddin Sahib Bahadur.
17. Mr. M. B. Rangaswami Reddi.
18. Mr. M. Devadasan.
19. Subadar-Major S. A. Nanjappah Bahadur.
20. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
21. Mr. M. Vedachala Mudaliyar.
22. Mr. B. P. Sesha Reddi.
23. Mr. P. V. Rajagopala Pillai.
24. Mr. V. G. Vasudeva Pillai.
25. Mr. P. Bayappa Reddi.
26. Mr. T. Narasa Reddi.
27. Mr. R. M. Palat.
28. Rao Sahib V. Dharmalingam Pillai.
29. The Raja of Kallikote.
30. The Zamindar of Mirzapuram.
31. Mr. M. A. Muthiah Chettiyar.
32. Mr. J. A. Davis.
33. Pandit Ganala Ramamurti.
34. Rao Sahib P. Subrahmanya Chetti.
35. The Zamindar of Kirlampudi.
36. Rao Sahib C. Jayaram Nayudu.
37. Mr. D. V. Narasimhaswami.
38. Rao Sahib B. Venkataramayya.
39. Sriman M. G. Patnaik Mahasayo.
40. Mr. F. G. Luker.
41. Mr. W. M. Browning.
42. Mr. Frank Birley.
43. Mr. R. Foulkes.
44. Mr. W. E. Winter.
45. Mr. F. E. James.
46. Mr. J. Kuppuswami Choudari.
47. Mr. C. Satyanarayana Choudari.
48. Mr. C. Basu Dev.
49. Mr. A. Ramakrishna Reddi.
50. Khan Bahadur Yahya Ali Sahib Bahadur.
51. Mr. G. Sriramulu.
52. Mr. H. M. Jagannatham.
53. Mr. G. R. Premayya.

Noes.

1. Mr. V. M. Ramaswami Mudaliyar.
2. Dr. P. Subbarayan.
3. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
4. Mr. Yakub Hasan.
5. Mr. K. R. Venkatarama Ayyar.
6. Rao Bahadur T. A. Ramalingam Chettiyar.
7. Mr. Sami Venkatachalam Chetti.
8. Khan Bahadur Mahmud Schamnad Sahib Bahadur.
9. Mr. T. S. Ramaswami Ayyar.
10. B. Pocker Sahib Bahadur.
11. Mr. V. P. Narayanan Nambiyar.
12. Mr. M. A. Manikkavelu Nayakar.
13. Mr. Abdul Hameed Khan.
14. Mr. Basheer Ahmed Sayeed.
15. Ahmed Meeran Sahib Bahadur.
16. Mr. K. A. Nachiyappa Goundar.
17. The Pattagar of Palayakottai.
18. Mr. U. C. Subrahmanya Bhatt.
19. Mr. K. S. Sivasubrahmanya Ayyar.
20. Mr. V. T. Arasu.
21. Rao Sahib V. I. Muniswami Pillai.

Ayes 53, *Noes* 21.

The motion was carried and the Bill was passed into law.

The hon. the PRESIDENT:—" The House will adjourn and meet again at 11 a.m. on Tuesday, the 26th January 1932."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

[3rd November 1931

Appendix I.

[Vide answer to question No. 532 asked by Rao Sahib V. I. Muniswami Pillai at the meeting of the Legislative Council held on the 3rd November 1931, page 479 supra.]

Lady Willingdon Training College, Triplicane.

Rules of hostels.

1. The hostels are intended primarily for training students and scholarships holders.

2. Application for admission should be sent in before 15th July to the Superintendent. Preference is given to (*a*) Government Scholarship holders and training students, (*b*) Pupils or students who have no parents or relatives in Madras. Testimonials from two responsible people are required from each applicant on admission.

3. *Payments.*—On admission to the Ice House Hostel an advance of Rs. 15 must be paid by each member; this is refunded when the member finally leaves the hostel.

Boarding charges are collected in advance. An amount of Rs. 12 must be paid at the beginning of each month; the balance obtained by deducting total expenditure from total income at the end of the month is divided up amongst all the members and this is refunded to each member at the end of the month. Extras, such as coffee, milk, etc., in the evenings and at night must be paid for separately at the end of each month.

Members who have not submitted poverty certificates for scholarships, etc., are required to pay Rs. 2 extra for establishment charges.

4. *Equipment.*—Each member of the hostel is required to provide herself with the following articles:—

(*a*) One plate and two cups.
(*b*) Brass or bronze tumbler.
(*c*) Simple bedding.
(*d*) a box with a good lock and key.

Chairs, tables and book-shelves are provided.

5. *Jewellery and money.*—Costly jewels and other valuable articles are not allowed in the hostel and no responsibility is taken by the hostel authorities for loss of articles. Each member must keep an account book in which she notes her income and expenditure and which must be produced when required.

6. *Daily programme*—

6 a.m. Prayer.
6-30 a.m. Coffee.
6-30 a.m. to 9 a.m. Study.
9 a.m. Breakfast.
10 a.m. to 4 p.m. School.
4-15 p.m. Light refreshment.
4-30 p.m. to 6 p.m. Games.
7 p.m. to 7-30 p.m. Prayer.
7-30 p.m. to 8 p.m. Dinner.
8 p.m. to 10 p.m. Study.
10 p.m. Lights out.

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7. *Leave.*—Members of the hostel whose parents or guardian reside in Madras are allowed to go home once a month for one day only. They must sign in the leave register before going and returning, noting date and time in each case.

All members must attend college and school on re-opening and closing days of term. Scholarship-holders and stipendiary students will forfeit their scholarships and stipends if they fail to be present on these dates, except in cases of illness for which medical certificates must be produced. No member may go out of the hostel without obtaining the permission of the Superintendent.

8. Visitors are allowed on Saturdays and Sundays between 4 p.m. and 6 p.m. only. All visitors must be signed for in the visitors' book.

9. *Letters.*—All letters must be addressed to the hostel and not to the College. All letters written by the members of the hostel must be placed in the hostel post-box and not posted elsewhere.

10. *Health.*—Each member must be examined by the college doctor on admission. Cases of sickness must be reported immediately to the Superintendent. Application for leave from college or school must be made by letter, the signature of the Superintendent obtained and it must be sent to the Headmistress (or tutor-in-charge in the case of students). The college doctor will visit the hostel at least once a week and will examine cases of sickness.

11. *Order.*—Neatness and cleanliness and order must prevail everywhere in the hostel. Members must abide by the special regulations laid down in each hostel regarding arrangements for baths, washing, cleaning, etc.

12. The discipline of the hostel is directly under the control of the Superintendent. Deliberate disobedience, dishonesty and other cause for expulsion will be dealt with by the Principal.

APPENDIX II.

[Vide answer to question No. 539 asked by Mr. G. Simhachalam at the meeting of the Legislative Council held on the 3rd November 1931, page 482 supra.]

G.O. No. 1122, P.H., dated 22nd June 1931.

The Government are pleased to pass the following orders with regard to the transfer of clerks attached to the offices of District Medical Officers:—

(1) Permanent clerks on Rs. 35 to 60 grade attached to the offices of District Medical Officers should be kept *in the same district* and should not be transferred out of the district except on their own request or when the transfer is by mutual consent.

(2) If for purposes of promotion to Rs. 60 to Rs. 80 grade it is found necessary to transfer a clerk out of a district, he should be sent out only to the adjacent districts. Such transfers should be reported to the Government for information.

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(3) If by way of punishment a clerk is to be transferred to a distant district the orders of the Government should be obtained before effecting such a transfer.

(By order of the Government, Ministry of Local Self-Government)

M. C. B. KOMAN,
Deputy Secretary to Government.

To the Surgeon-General.

APPENDIX III.

[Vide answer to question No. 566 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd November 1931, page 497 supra.]

G. O. No. 1084, Public, dated 24th October 1929.

When passing orders on the list of unpassed clerks submitted by the Board of Revenue, Land Revenue and Settlement, with reference to paragraph 3 (iii) of G.O. No. 773, Law (Education), dated 3rd May 1926, the Government laid down that clerks exempted from Article 1 of the Public Service Notification by the Board under the powers delegated in G.O. No. 722, Law (Education), dated 13th June 1922, could count service for increment from the date of exemption by the Board and that those who had not been exempted before either by the Government or by the Board could count service for increment only from the date of the order admitting them to the lowest time-scale and up to the bar sanctioned in paragraph 3 of G.O. No. 949, Public, dated 5th November 1926.

2. Some unpassed clerks have however been permitted to draw increments irregularly from the date of introduction of the time-scale of pay; they fall under the following classes:—

(i) Clerks exempted for the first time by the Board after the introduction of the time-scale of pay; these should have been started only on the minimum pay in the time-scale on the date of exemption.

(ii) Clerks exempted up to specified limits of pay in the old graded scale and further exempted by the Board in the time-scale; these should have been started in the time scale on the date of such further exemption only on the pay represented by the limit of exemption plus the temporary increase in pay.

(iii) Clerks exempted as in (ii) but permitted to draw pay in the time-scale without further formal exemption; they count service for further increments from the date of the order of Government permitting them to draw pay up to the bar.

In other cases, the Accountant-General or the head of the department has fixed the pay of the unpassed clerks correctly with reference to G.O. No. 164, Law (Education), dated 4th February 1925.

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3. The Board of Revenue has submitted several cases of unpassed clerks who have been thus drawing increments irregularly; in some of them the Government have directed that the unpassed clerks may remain on their present pay until starting from the pay they are strictly entitled to and counting service for increments from the date of exemption either by the Board or by the Government as the case may be, they reach the present figure by a normal rise in the scale; they may then draw further increments. Heads of departments seem to be under the impression that every case should be so treated irrespective of merit; e.g., a man whose increment is to be stopped for two years is put up as a fitting recipient of this concession. It was not the intention of Government that every case should be so treated automatically. The concession is not of general application but must be merited in each individual case. Only such clerks as deserve the concession by reason of long and satisfactory service and are fully competent to perform the work demanded of them should be recommended to Government for consideration. The Board must itself specifically recommend any cases it sees fit to forward. No clerk should be recommended for this concession whose pay has already been correctly fixed either by the Accountant-General or by the Board of Revenue with reference to G.O. No. 164, Law (Education), dated 4th February 1925, nor any clerk whose increment has been stopped or who has been otherwise punished for misconduct or inefficiency.

4. The Government also direct that the same principles should be observed in the case of unpassed clerks in a similar position in other departments.

(By order of the Governor in Council)

H. G. STOKES,
Acting Chief Secretary.

To the Board of Revenue (Land Revenue and Settlement).
,, Accountant-General.
Copy to other Heads of Departments.
,, the Departments of the Secretariat.

APPENDIX IV.

[Vide answer to question No. 575 asked by Mr. Abdul Hameed Khan at the meeting of the Legislative Council held on the 3rd November 1931, page 508 supra.]

Proceedings of the Joint Magistrate, Gudur, dated the 8th September 1931 (11 a.m.) at Venkatagiri.

Order under section 144, Criminal Procedure Code.

Whereas the Circle Inspector of Police, Venkatagiri, has made an application before me for orders under section 144, Criminal Procedure Code, against you Katikineni Kalyana Rao, Katikineni Venkatarama Rao and others, the conveners and supporters of the Zamin Ryots' Conference to be held at Venkatagiri on the 8th and 9th September

1931 prohibiting you from holding the above Conference, or conducting any procession pertaining to it, and whereas for the following reasons appearing from his report and his statement, there seems to be in my opinion a likelihood of imminent breach of the public peace;

Reasons.—(1) In the Conference, it is likely that speeches which would be resented by the estate authorities and their sympathizers and hence attempts may be made by the supporters of the estate to interrupt or interfere with the proceedings of the Conference, and this might lead to a breach of the peace;

(2) In the last month, on 1st August 1931, an attempt to convene a similar meeting was made, and it ended in a fiasco, and a breach of peace was narrowly averted;

(3) There is a lot of opposition to this Conference in the villages, and there is information that supporters of the estate have come to Venkatagiri in large numbers with a view to oppose the activities of the conveners of the Zamindari Ryots' Conference;

(4) Even one of the sympathizers of the Conference expressed his fears that there might be trouble at the Conference;

(5) The issue of tickets is restricted to the supporters of the Conference and some people of the opposite party are desirous of entering into the pandal;

(6) Articles in local newspapers have appeared from both sides criticising each other's attitude;

(7) No licence has been so far obtained from the Union Board authorities for making use of the pandal for the public meeting, and I am informed that the meeting is to be held in defiance of the notice of the Union Board authorities prohibiting the use of the pandal for such a purpose;

(8) Venkatagiri is the headquarters of the Maharaja of Venkatagiri, the majority of the population are supporters of the Maharaja. The Arava Malas of Venkatagiri, I am informed, are a troublesome set of people who would be only too glad to exploit the situation. They are against the activities of the Conference, and there is information that they are mustering;

I do hereby prohibit you from convening the said Zamindari Ryots' Conference, or any other meeting at Venkatagiri in which such speeches as are likely to wound the feelings of the estate authorities or their sympathizers will be made, and I do hereby prohibit you from conducting any procession in which such songs or such speeches will be made.

As it is now 11-30 a.m. and the meeting is to be held at about 12 noon according to my information, there is no time to make further enquiries, emergent orders are solicited. Hence this order is passed ex parte.

Given under my hand and the seal of the Court, this 8th day of September 1931.

(Camp) VENKATAGIRI,
8th September 1931.

(Signed) K. M. UNITHAN,
Joint Magistrate, Gudur.

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To

The Joint Magistrate, Gudur.

(Camp) Venkatagiri.

The petition of Messrs. Katikineni Venkatarama Rao and K. Kalyana Rao respectfully showeth

(1) that they have been served an order under section 144, Criminal Procedure Code, dated 8th September, and served after 2 p.m., prohibiting them from convening the Zamindari Ryots' Conference or any other meeting at Venkatagiri in which such speeches as are likely to wound the feelings of the Estate authorities or their sympathizers will be made;

(2) that the said order is unjustified and unnecessary and is unsupported by any evidence required to support the order under section 144, Criminal Procedure Code;

(3) that in the Conference or Conferences—two Conferences, Provincial as well as the District Zamindari Conferences—no speeches are likely to be made which will be resented by the Estate authorities and their sympathizers. Indeed, the Conferences have nothing to do with individual zamindars and therefore no attempts need be feared from the supporters of the estate to interrupt or interfere with the proceedings of the Conferences;

(4) that the Conferences have been summoned mainly for the purpose of discussing the provisions of the Bill to amend the Madras Estates Land Act, which will be before the Madras Legislative Council and to discuss the provisions of that draft Bill, which has been prepared by the Andhra Zamindari Ryots' Sub-Committee on the same matter. These two Bills touch the zamindari ryots of the province very intimately and it is in the highest public interest that their considered opinions on these two Bills should be made available to the Legislature and the Government of Madras;

(5) that the said Conferences are not in any way intended as against the Venkatagiri interest and delegates have come from various districts to attend the same;

(6) the ground on which the pandal has been erected for the Conferences is private property and no licence is required from the Union Board as the pandal is not to be used for purposes of public entertainment;

(7) the order of the Union Board authorities prohibiting the use of the pandal for the Conference is illegal;

(8) there is no truth in the statement that Arava Malas of Venkatagiri are assembling to give trouble. Even if that be true, it is the duty of the police and the Magistracy to protect the law-abiding citizens in the lawful pursuit of their legitimate activities and not to prohibit them, giving support impliedly to intending law-breakers.

sre

We and the organizers of the Conference will undertake to see that on our side there is no trouble or cause for trouble. We therefore pray that the ex parte order may be set aside and we permitted to hold the Conferences, which we consider, as the normal exercise of the undoubted rights of peaceful citizen.

(Sd.) K. KALYANA RAO.
K. VENKATARAMA RAO.

APPENDIX V.

[Vide answer to question No. 589 asked by Mr. M. D. T. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the **3rd November 1931, page 516 supra.**]

Question No. 104.

Letter from the Collector of Ramnad, No. L. Dis. 5090/31, dated 26th August 1931.

The points raised in the Legislative Council Question No. 104 are answered as below:—

Clause (*a*).—The sources of irrigation to the mamul wet lands are Periyakulam and its auxiliary yendals, Panchamtangikulam and Telugankulam.

Clause (*b*).—When the water in the tank goes below the sill level of the vents, the fields are irrigated by sluices 1 and 2 situated in a lower level. The two yendals referred to above are usually filled in by the ryots before the water in the tank gets below the sill level. They serve as supplementary sources of irrigation.

Clause (*c*).—These lands received supply from the tank from November 1930 up to middle of February 1931.

Clause (*d*).—During the jamabandi of the village, 14 applications were presented to the Revenue Divisional Officer, the Jamabandi Officer. It was alleged therein that crops failed owing to indiscriminate grant of permits for irrigation of dry lands with the tank water. As the crops withered owing to late cultivation, there was no justification for granting remission and the applications were rejected, the tank having had its full supply during the season.

Clause (*e*).—Certain Naiks of Kommandapuram represented to the Tahsildar, during his visit to the village on 10th February 1931, that the water in the tank had gone down and that the condition of the crops was not encouraging. The Tahsildar immediately inspected the tanks and the standing crops and found their allegations not true. He found that the crops were in ear and that the season was good. He therefore saw no need to cancel the water-rate permits already issued. It is true that the Village Headman represented to the Tahsildar that a pattadar was attempting to tamper with sluice No. 2 on the pretext that the

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cistern was under repair. The Tahsildar sent for the man and warned him against the attempt; he also noticed that there was sufficient flow of water through the sluice then.

Question No. 105.

Letter from the Collector of Ramnad, R.O.C. No. A-4-3579/30, dated the 3rd October 1931.

It is proposed to transfer S. Nos. 55, 56 and 57 of Elundiraikondan village from dry to wet along with some other lands. The matter has been referred to the Executive Engineer, Tinnevelly, and is pending with him. These lands have been selected by the Tahsildar and the Public Works Department Overseer, after making joint inspection on their merits such as their advantageous position, nearness to the tank, facilities of irrigation, and the like. A few objection petitions were received in respect of S. Nos. 55, 56 and 57. The Tahsildar and the Sub-Collector, Sivakasi, have reported that the objections are frivolous and outcome of jealousy and do not deserve any consideration. It has been alleged that a registered landholder of the village is the author of these objection petitions. There seems to be no genuine objection to the transfer of these lands to wet.

Question No. 106.

Letter from the Collector of Ramnad, No. L. Dis. 5089/31, dated 3rd September 1931.

I furnish below answers to the several points raised in Question No. 106:—

Clause (*a*).—There are no surplus vents for the Panchantangi and Telugan tanks. These tanks are not independent sources of irrigation, but are mere auxiliaries to the Periyakulam tank.

The extent of wet lands irrigated by the Periyakulam water is 580·39 acres.

Clause (*b*).—Extent of wet lands on which the yield was below normal is furnished below for the last five faslis:—

	ACRES.
1336	338·04
1337	0·37
1338	83·11
1339	Nil.
1340	66·34

Extent left waste for want of water during the last five faslis:—

	ACRES.
1336	174·78
1337 to 1340	Nil.

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Clause (*c*).—**Dry cultivation on wet lands during pishanam:—**

	ACRES.
1336	132·83
1337	1·04
1338	77·10
1339	1·67
1340	0·08

Clause (*d*).—There is no suffering.

Clause (*e*).—There is already adequate supply. However to ensure a greater supply the Executive Engineer, Tinnevelly, said that the preliminary improvement to the Panjanthangi tank should be done by the Revenue Department at a cost of Rs. 3,000. The question of improving the auxiliary works is under investigation by the Minor Irrigation Supervisor.

Question No. 107.

Copy of letter from the Collector of Ramnad, R.O.C. A-4 No. 5091-31, dated the 17th September 1931.

I furnish below answers to the several clauses of question No. 107:—

(*a*) The Elundirakondan Periyakulam tank has a capacity of 120 days' supply to irrigate its wet ayacut. The maximum area irrigable by the tank given in the descriptive memoir of the tank is 663 acres. The extent of wet lands fixed at the time of settlement was only 586·94 acres and this is increased from time to time as the season is found to be favourable.

(*b*) The tank was full on the 20th November 1930, but there was rain and also supply to the tank as early as October 1930, when cultivation commenced. The tank received no supply afterwards.

(*c*) Permission was not granted for any dry land for the use of the water from the tank direct. As the season was favourable, permission was as usual granted for about 300 acres of dry lands only for the use of the drainage water of the wet fields, lest it should become waste subject to its cancellation when the irrigation happened to be detrimental to the wet fields.

The Revenue Inspector issued permits for old cases and the Tahsildar for new cases.

There was no diminution of usual water-supply to the wet lands as the irrigation of dry lands was confined only to the drainage of wet fields. There was no complaint from any wet land owner against dry land owners as having used tank water detrimental to wet ayacut.

(*d*) The last permit was granted by the Revenue Inspector on 29th December 1930 on the application received prior to that date. No further permits were issued save in two exceptional cases wherein

applications originally made in November were found to be lost and permits had therefore to be granted during the Tahsildar's camp in the village in February 1931. By the end of December when the last permit was issued the tank had about three months' supply.

(*e*) & (*f*) No loss was sustained by the wet land owners for want of water. The area of wet lands on which the yield was below normal is 56·49 acres. The low yield was due to late cultivation by ryots' neglect.

(*g*) The extent of wet ayacut—595·01 acres.

Revenue collected on it—Rs. 3,978–1–5.

Extent of dry lands the irrigation of which was permitted—318·96 acres.

Revenue collected on it—Rs. 955–3–0.

APPENDIX VI.

[*Vide* answer to question No. 607 asked by Mr. C. Basu Dev at the meeting of the Legislative Council held on the 3rd November 1931, page 530 *supra*].

G.O. No. 1705, P.H., dated 11th September 1931.

The report of the Committee appointed by the Government to consider the question of revising the rules relating to honorary medical officers is published for general information.

(By order of the Government, Ministry of Local Self-Government)

S. G. SENGODAIYAN,
Secretary to Government.

To the Surgeon-General.
Press.

Appendix.

Proceedings of the Committee appointed in G.O. Ms. No. 917, P.H., dated 16th May 1931, to consider the question of revising the rules relating to honorary medical officers and the terms of reference in the Government Order.

The Committee met on two occasions on July the 15th and on August the 8th, 1931 and on each occasion the following members were present :—

President.

(1) Major-General C. A. Sprawson, C.I.E., V.H.S., I.M.S.

Members.

(2) Lieut.-Col. R. G. G. Croly, I.M.S., Superintendent, Government General Hospital, Madras.

(3) Dr. A. Lakshmanaswami Mudaliyar, B.A., M.D.

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Members—cont.

(4) Dr N. Venkataswami Chetti, M.B.C.M., District Medical Officer, Chingleput.
(5) Dr. T. Krishna Menon, M.B.C.M., M.R.C.S., L.R.C.P.
(6) Dr. T Satakopan, M.D
(7) Dr. U. Rama Rao, L.M.P., and
(8) Dr. K. B. Bhujanga Rao, L.M.P.

Dr. C. Natesa Mudaliyar, L.M.S., M.L.C., was not present on either occasion.

In the interval between the two meetings of the Committee, the Conference of District Medical Officers was held, and this Conference discussed several points connected with the employment of honorary medical officers and made recommendations thereon. These recommendations were placed before the Committee on Honorary Medical Officers, who therefore had the advantage of knowing the opinions of a large body of senior medical officers from the mufassal.

It should be emphasized that though the present Committee on Honorary Medical Officers was representative of several interests, yet all its findings on the present occasion have been practically unanimous.

The following recommendations are made by the Committee :—

I. It was agreed that the designation 'honorary sub-assistant surgeon' should be discontinued, and that holders of the L.M.P. qualification should be eligible for appointments and for the same nomenclature as medical graduates.

II. No honorary medical officer shall serve in that capacity once he has completed his 55th year.

III. Nomenclature of the honorary medical officers should be considered separately as regards teaching and non-teaching institutions.

(*a*) NON-TEACHING INSTITUTIONS.

It is decided that there should be three grades of honorary medical officers—

(1) Clinical assistants.
(2) Honorary assistant surgeons or honorary assistant physicians.
(3) Honorary physician or honorary surgeon.

Honorary medical officers appointed for a speciality, such as, ophthalmology, ear, nose and throat work, pathology, radiology, venerology, dermatology, including leprosy work will be appointed to one of the above three grades with further indication as to their speciality.

Ordinarily an honorary medical officer will start from the lowest grade and gradually work up; in exceptional cases and for special reasons the recommending authority may propose deviations from this course.

(1) *Clinical assistants.*—The minimum period that an honorary medical officer shall spend as a clinical assistant is two years. From this period the period spent as house surgeon or house physician in a Government hospital may be deducted.

The maximum period during which an honorary medical officer can remain as clinical assistant is five years.

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(2) *Honorary assistant surgeon or assistant physician* —There should be no time-limit for the tenure of office of an honorary assistant surgeon or honorary assistant physician.

(3) *Honorary surgeon and honorary physician.*—Higher academic qualifications although a recommendation, shall not be considered essential for these honorary surgeon or physician appointments. But the applicant should satisfy one or more of the following demands :—

(*a*) That the practitioner has held hospital or other appointments affording special opportunities for acquiring special skill and experience of the kind required for the performance of the service rendered, and has had actual recent practice in performing the service rendered or services of a similar character, or

(*b*) that he has had special academic or post-graduate study which comprises the service rendered; and has had actual recent practice as aforesaid, or

(*c*) that he is generally recognized by other practitioners in the area as having special proficiency and experience in a subject which comprises the service rendered.

(*b*) TEACHING INSTITUTIONS.

It is decided that there should be three grades of honorary medical officers—

(1) Clinical assistants.

(2) Honorary assistant surgeons or honorary assistant physicians.

(3) Honorary physician or honorary surgeon.

Honorary medical officers appointed for a speciality such as ophthalmology, ear, nose and throat work, pathology, radiology, venerology, dermatology, including leprosy work will be appointed to one of the above three grades with further indication as to their speciality.

Ordinarily an honorary medical officer will start from the lowest grade and gradually work up; in exceptional cases and for special reasons the recommending authority may propose deviations from this course.

(1) *Clinical assistants.*—Clinical assistants in all teaching institutions must hold the degree of M.B.B.S. or its equivalent. The minimum period of appointment should be for two years and the maximum for five years.

If an honorary medical officer has served as house surgeon or house physician this shall be taken as a recommendation for his appointment and such a period as house surgeon or house physician may be allowed to shorten his period as a clinical assistant by a maximum of one year.

(2) *Honorary assistant surgeons and physicians.*—There should be no time-limit for the tenure of office of an honorary assistant surgeon or honorary assistant physician.

An honorary assistant surgeon or physician must have previously performed a minimum period of two years as a clinical assistant of which up to one year may be shortened by previous service as a house surgeon or house physician.

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(3) *Honorary physicians and surgeons.*—One of the following academic qualifications shall be considered essential :—

M D, M.S., M.R.C.P., F.R.C.S., F.C.O.G. or one of the special diplomas signifying skill in the speciality of his appointment.

IV. *House surgeons and house physicians.*—The qualifying period as house surgeon or house physician must be spent in a hospital approved for that purpose by the Surgeon-General.

Though a residential qualification in the hospital is not essential for a house surgeon or house physician it is considered preferable.

The service of a house surgeon or house physician is to be whole-time at the hospital he serves. He cannot engage in any sort of private practice during his service as house surgeon or house physician.

No period less than six months as a house surgeon or house physician is to be counted towards the deduction of the period to be spent as a clinical assistant.

V. For honorary appointments the recommending authority to Government should be as heretofore the Surgeon-General.

VI. The Committee considers that it is impossible at the present stage to specify exactly whether any more or how many paid Government medical officers may be replaced by honorary medical officers, but the number should certainly increase and the Surgeon-General will indicate so far as possible when and where this can be done.

VII. *Allocation of duties to honorary medical officers.*—In both teaching and non-teaching institutions the honorary officers of the third or highest grade (physician or surgeon) should always have a certain number of hospital beds in their charge As regards officers of the other two grades the allocation of their duties either in the in-patient or out-patient department or in both will be done by the superintendent of the hospital in the Madras City or by the District Medical Officer in the mufassal, leaving the Surgeon-General as a possible source of appeal if necessary.

VIII. Medical officers desirous of honorary appointments in special subjects, but who have not had the special training necessary to give them proficiency in that subject, should be trained free of cost at one of the Government Medical Colleges or hospitals attached to a teaching institution for the period considered necessary by the Surgeon-General to give them proficiency, on condition that they execute a bond to the effect that they will serve Government as honorary medical officers in that speciality for a minimum period of two years at a place to be agreed to beforehand by the applicant and the Surgeon-General.

IX. *Times of attendance.*—(*a*) Honorary medical officers who have charge of hospital beds should attend the hospital daily except Sundays. Medical officers who have only out-patients in their charge may attend daily, but need not attend, after previous arrangement with the superintendent of the hospital and the district medical officer, more than three days a week.

(*b*) In non-teaching institutions honorary medical officers must make their hospital visits during the recognized hospital working hours.

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(*c*) In the case of teaching institutions the honorary officers shall be present at the respective hospitals on such days and at such hours as may be necessary for the proper instruction of the student—vide Rule 10 of G.O. No. 1373, P.H., dated 31st May 1929 :—

In the hospitals which form training grounds for medical students, the honorary officers will be responsible for imparting clinical instruction to students in connexion with the beds in their charge in accordance with such plans as may be laid down by the professor in charge of the medical or surgical unit or by the Superintendent of the hospital.

(*d*) In the case of clinical assistants, honorary assistant surgeons and honorary assistant physicians the hours of attendance at the hospital will be laid down by agreement with the honorary officer and the superintendent of the hospital after approval by the Surgeon-General.

X. *Reports on officers.*—There should be confidential reports on honorary medical officers submitted annually to the Surgeon-General in the same manner that confidential reports are submitted on Government officers. It will be advisable to devise a special and simpler form for the reports on honorary medical officers.

XI. *Leave.*—*Casual leave* up to 15 days in a year, as to Government medical officers, may be granted to honorary medical officers.

Ordinary leave may be granted up to one month in a year. More than one month cannot be given except in cases of sickness. The one month a year leave can be accumulated up to a maximum of three months at one time.

Sick leave can be given on an acceptable medical certificate.

Long leave.—Honorary medical officers should be considered available for long leave on the following terms :—

An honorary medical officer should be considered to have a lien on his appointment during the long leave if he has served at least one year and desires a period of study leave, or, if the leave desired does not include a period of study, then he should have served at least five years before being considered to have a lien on his appointment.

The period of lien may extend to two years' absence if the leave includes a period of study; but only to one year's absence if the leave does not include a period of study.

Substitutes for honorary medical officers during the period of their leave will be arranged by the superintendent of the hospital: honorary medical officers are expected to aid the superintendent so far as possible by giving as long notice as possible of their expected absence and by full appreciation of their responsibility towards their patients.

XII. *Termination of service.*—A notice of three months as already laid down is necessary on either side.

Re-employment.—If an honorary medical officer be re-employed after discharge, he will be re-accepted into his former rank.

XIII. *Transfer.*—Transfer of honorary medical officers from one hospital to another in Madras City will be effected by the Surgeon-General having regard to the needs of the hospital concerned and provided the transfer be agreeable to the honorary officer concerned.

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XIV. Salary of paid appointments when filled by honorary medical officer :—

(1) Recognizing the limitation of the terms of reference of this Committee and without recommending any increase of expenditure, the Committee express the opinion that when an academic appointment is combined with honorary clinical work, the honorary medical officer holding these two appointments should receive a remuneration for the academic teaching.

(2) If an honorary medical officer be put in charge of a hospital or dispensary during the absence on leave of a Government medical officer, the honorary medical officer should be paid an honorarium not for professional work, but for the administration of Government affairs that he carries out during that period.

XV. *A special case.*—The Committee considers that graduates who have served as house-surgeons and house-physicians and have been selected or may be selected after the competitive examination for assistant surgeons in the year 1929 may be permitted to commence service in an honorary appointment in the grade of honorary assistant surgeon or physician.

C. A. Sprawson.
R. G. G. Croly.
A. L. Mudaliyar.
N. Venkataswami.
T. Krishna Menon.
T. Satakopan.
U. Rama Rao.
K. B. Bhujanga Rao.

Appendix VII.

[Vide Item III " A Bill to amend the Madras Elementary Education Act, 1920 " at page 552 supra.]

BILL No. 24 OF 1931.

A Bill to amend the Madras Elementary Education Act, 1920.

To

The Honourable the LEGISLATIVE COUNCIL
of the GOVERNOR of MADRAS.

We, the undersigned members of the Select Committee appointed on the 30th of October 1931 to consider the Bill to amend the Madras Elementary Education Act, 1920 (Bill No. 24 of 1931), have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on the 20th October 1931.

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3. We met on the 1st November 1931 and considered in detail the provisions of the Bill.

4. In clause 6, we have provided in sub-section (2) of the proposed section 36, that, where an education tax is levied in a panchayat area, the cost of collection at a prescribed percentage of the amount collected, shall be credited to the village fund of the panchayat concerned, and the balance only shall be credited to the Education Fund of the taluk board concerned.

5. In regard to clause 10 of the Bill, we have discussed various alternatives but have come to the conclusion that the provision contained in the Bill is the most satisfactory that could be made from the point of view of all the interests concerned. We have therefore resolved to retain it. But we have deleted sub-section (3) of the proposed section 47, as we expect that the number of free places reserved in a school will be taken into consideration by the District Educational Council in fixing the amount of grant payable to that school and recommend that Government should make suitable rules to that effect.

6. We have deleted sub-clause (iv) of clause 13 as necessary provision already exists in the Madras District Municipalities Act, the Madras Local Boards Act and the Madras City Municipal Act. We have also deleted sub-clauses (vi) and (ix) of clause 13 and also clause 14 as unnecessary. We have made one or two other minor alterations in the Bill but do not consider it necessary to refer to them in detail.

7. We do not think it necessary to republish the Bill.

BASHEER AHMED SAYEED.
S. KUMARASWAMI.
M. G. PATNAIK.
* R. N. AROGYASWAMI MUDALIYAR.
R. M. PALAT.
C. S. RATNASABAPATHI.
B. MUNISWAMI NAYUDU.
R. MADANAGOPAL.
B. P. SESHA REDDI.
* S. VENKATACHALAM CHETTI.
* T. S. RAMASWAMI AYYAR.
F. E. JAMES.
* Dr. P. SUBBARAYAN.

* With a note.

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NOTE.

The amendment passed is in violation of the principle of free and compulsory education and throws a costlier responsibility on a local authority of providing more public schools in a compulsory area or withdraw compulsion. In any case, it seems to be a set-back to the scheme of free and compulsory elementary education in this presidency.

S. VENKATACHALAM CHETTI.
T. S. RAMASWAMI AYYAR.
R. N. AROGYASWAMI MUDALIYAR.
DR. P. SUBBARAYAN.

[NOTE.—Changes made by the Select Committee are printed in Clarendon type.]

BILL No. 24 OF 1931.

A Bill to amend the Madras Elementary Education Act, 1920, *for certain purposes.*

(As amended by the Select Committee.)

Madras Act VIII of 1920.

WHEREAS it is expedient to amend the Madras Elementary Education Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Madras Elementary Education (Amendment) Act, **1931.**

(2) It shall come into force on such day as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

Amendment of certain provisions of Madras Act VIII of 1920.

2. (1) In the Madras Elementary Education Act, 1920 (hereinafter referred to as the said Act), for the words " Goveror in Council " wherever they occur, the words " Local Goverment " shall be substituted.

(2) The provisions of the said Act specified in the first two columns of the annexed Schedule are hereby amended to the extent and in the manner specified in the third and fourth columns thereof.

Amendment of section 3, Madras Act VIII of 1920.

3. In section 3 of the said Act—

(i) for clause (ii), the following clause shall be substituted, namely :—

'Director of Public Instruction,' 'District Educational Officer' and 'Inspectress of Girls' Schools.'

" (ii) ' Director of Public Instruction ', ' District Educational Officer ', and ' Inspectress of Girls' Schools ' mean such officer or officers as may be appointed

by the Local Government to perform the duties of Director of Public Instruction, District Educational Officer or Inspectress of Girls' Schools, as the case may be."

(ii) in clause (iv), for the figures "1884", the figures "1920" shall be substituted;

(iii) after clause (x), the following clauses shall be inserted, namely :—

"(x-*a*) 'notification' means notification in the *Fort St. George Gazette*; 'Notification.'

(x-*b*) 'panchayat' means a panchayat constituted under the Madras Local Boards Act, 1920;" 'Panchayat.'

(iv) in clause (xi), after the words "prescribed by" the words "this Act or by" shall be inserted;

(v) in clause (xii), the words "in relation to an elementary school" shall be omitted, and for the word "Government" the words "Local Government" shall be substituted; and

(vi) in clause (xiv), for the figures "1884" the figures "1920" shall be substituted.

Amendment of section 5, Madras Act VIII of 1920.

4. In sub-section (3) of section 5 of the said Act, for the words "inspector and asistant inspector of schools" the words "District Educational Officer" shall be substituted, and for the word "members" the words "a member" shall be substituted.

Insertion of new section 27-A in Madras Act VIII of 1920.

5. After section 27 of the said Act, the following section shall be inserted, namely :—

Acts of District Educational Councils, etc., not to be invalidated by informality, etc.

"27-A. No act or proceeding of a district educational council or of a committee thereof or of any person acting as president, vice-president, chairman or member of such council or committee shall be deemed to be invalid by reason only of some defect in the **establishment** of such council or committee or on the ground that the president, vice-president, chairman or any member of such council or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or by reason of such act having been done during the period of any vacancy in the office of the president, vice-president, chairman or member of such council or committee."

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Substitution of new section for section 36 of Madras Act VIII of 1920.

6. For section 36 of the said Act, the following section shall be substituted, namely :—

Assessment and realization of taxes.

" 36. (1) Every tax levied in any area under any head of taxation mentioned in section 34 shall be deemed to be an addition to a tax levied under the same head in such area under the law for the time being in force governing municipalities or local boards, as the case may be, and all the provisions of such law relating to the incidence, assessment or realization of such tax or in any manner connected therewith shall be applicable accordingly :

Provided that the Local Government may direct that the said provisions shall apply subject to such modifications and restrictions as may be prescribed.

(2) In particular, any such tax levied in a panchayat area under any head of taxation other than land-cess, shall be realized by the president of the panchayat as an addition to a tax levied under the same head under the Madras Local Boards Act, 1920. **Out of the proceeds of the tax so realized such percentage as may be prescribed shall be credited to the village fund of the Panchayat on account of the cost of collection and the balance** shall be paid to the credit of the Elementary Education Fund under the control of the taluk board concerned."

Amendment of section 40, Madras Act VIII of 1920

7. In section 40 of the said Act, for the figures " 1884 " the figures " 1920 " and for the word " chapter " at the end, the word " Act " shall be substituted.

Amendment of section 41, Madras Act VIII of 1920.

8. In sub-section (1) of section 41 of the said Act, after the words " such school " the words " or a department of such school " shall be inserted, and for the words " through the inspector of schools " the words " through the District Educational Officer or the Inspectress of Girls' Schools, as the case may be " shall be substituted.

Amendment of section 42, Madras Act VIII of 1920.

9. In sub-section (1) of section 42 of the said Act, for the words " through the Inspector of Schools " the words " through the District Educational Officer or the Inspectress of Girls' Schools as the case may be " shall be substituted.

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10. For section 47 of the said Act, the following sections shall be substituted, namely :—

Substitution of new section 47, Madras Act VIII of 1920.

" 47 (1) No fees shall be levied at any elementary school under public or panchayat management situated in any area affected by a notification under section 46, from any child to whom such notification applies.

No fee to be levied at elementary schools under public or panchayat management in areas notified under section 46.

(2) Fees may be levied from any such child at any other elementary school situated in the said area.

Provided that where within one mile of such school or such other distance therefrom as may be notified under the Explanation to sub-section (2) of section 45, there is no other elementary school at which fees are not levied, such number of free places as may be fixed by the District Educational Council **in consultation with the local authority concerned** shall be reserved in such school."

11. In section 49 of the said Act, after the words " every child of school-age resident in such area " the words " and affected by such notification " shall be inserted.

Amendment of section 49, Madras Act VIII of 1920.

12. In section 51 of the said Act, after the words " local authority concerned ", the words and figures " or where under the Madras Local Boards Act, 1920, the taluk board has ceased to be responsible for elementary education in any area, the panchayat concerned " shall be inserted.

Amendment of section 51, Madras Act VIII of 1920.

13. In sub-section (2) of section 5 of the said Act—

Amendment of section 56, Madras Act VIII of 1920.

(i) clause (*a*) shall be re-lettered as clause (*aa*) and the following shall be inserted as clause (*a*), namely :—

" (*a*) with reference to all matters expressly required or allowed by this Act to be prescribed ";

(ii) in clause (*b*), after the word " schools " the words " or departments of schools " shall be inserted, and after the word " elementary " at the end the word " schools " shall be added;

(iii) for clause (*c*), the following clause shall be substituted, namely :—

" (*c*) with reference to all matters not expressly provided for in this Act relating to the election of presidents, vice-presidents or members of district educational councils ";

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(iv) in clause (*f*), after the words " by local authorities " the words " by panchayats " shall be inserted, and after the words " attendance committees " at the end, the words " and the time within which any statement, report, return, budget or other information shall be furnished " shall be added;

(v) clause (i) shall be omitted; **and**

(vi) in clause (*j*), the word " school " shall be omitted.

THE SCHEDULE

Section (1)	Sub-section. (2)	For the words. (3)	Substitute the words. (4)
21 ...	...	his opinion ...	their opinion.
22 ...	(2) ...	he may fix ...	they may fix.
23 ...	...	he may direct ...	they may direct.
30	(2) ..	he thinks fit ...	they think fit.
38 ...	(2) ..	he thinks fit	they think fit.
45 .	(2) proviso (*b*).	is satisfied ...	are satisfied.
56 ...	(2) ...	he may make ...	they may make.

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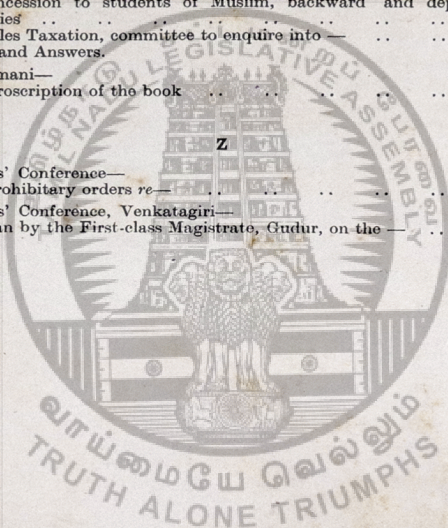
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